

List of issues to be taken up in connection with the consideration of the fifth periodic report of CANADA concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CAN/5)

CANADA'S RESPONSES

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Canada has not ratified a number of relevant conventions of the International Labour Organization (ILO), including the Unemployment Convention, 1919 (No. 2), the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Minimum Age Convention, 1973 (No. 138), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Please give reasons for not ratifying these conventions, and indicate whether the State party intends to ratify them in the near future.

In Canada, responsibility for regulating labour matters is constitutionally divided between the federal, provincial and territorial governments. Each government has exclusive authority to adopt and implement labour legislation within its jurisdiction. Canadian practice is to ratify an ILO Convention dealing with matters that fall under federal and provincial/territorial jurisdiction when all governments support ratification and undertake to implement the Convention's requirements in their respective jurisdictions.

Convention No. 2

The aim of ILO Convention 2, adopted in 1919, was to prevent or provide against unemployment. This Convention is not considered to be up-to-date by the International Labour Organization, and its associated recommendation was considered obsolete and withdrawn in 2002. While Canada has not ratified ILO Convention 2, it has in place multi-faceted labour market information services providing relevant information to job seekers and employers as well as a comprehensive employment insurance scheme.

Convention No. 29

The prohibited forms of forced or compulsory labour as defined in Convention 29 are nonexistent or extremely rare in Canada and could be subject to prosecution under the *Criminal Code* of Canada. In November 2005, the Code was amended to add new indictable offences that specifically address trafficking in persons, including for forced labour. The Government of Canada is considering ratification of this Convention.

Convention No. 81

A survey on implementation of Convention 81 was undertaken in 2005. The survey confirmed that while Canadian jurisdictions have extensive labour inspection services consistent with the

provisions of the Convention, some jurisdictions may not be fully compliant with all of its specific technical requirements, in particular articles 12.1, 20 and 21. Ratification is therefore not being considered at this time.

Convention No. 98

There is a high level of conformity in Canada with the principles of Convention 98, particularly with respect to protections against unfair labour practices. The main obstacle to ratification is the ILO Committee of Experts interpretation that Convention 98 requires all workers, with the exception of the armed forces, the police and “public servants engaged in the administration of the State” to have access to statutory machinery providing for collective bargaining. This is the case for the vast majority of Canadian workers, however, in a number of jurisdictions some specific categories of workers, while entitled to engage in collective bargaining with their employers on a voluntary basis, are excluded from industrial relations legislation.

Convention No. 102

Canada has a comprehensive social security system including employment insurance and income security programs. Convention 102 includes outdated gender stereotypes and is premised on the model of the male breadwinner and male-headed household. This does not reflect current social and labour market realities and is inconsistent with the *Canadian Charter of Rights and Freedoms* and Canadian human rights legislation generally. Ratification is not being considered.

Convention No. 138

Overall, the principles of Convention 138 are respected in all Canadian jurisdictions. There are numerous laws and regulations in place restricting the employment of children in work likely to be injurious to their life, health, education or welfare. Canadian legislation provides for mandatory school attendance until at least age 16 and limits or restricts the hours of work and the kinds of work for which children can be employed. There are also many programs aimed specifically at protecting the health and safety of children. However, ratification is not presently being considered because legislation in most Canadian jurisdictions does not meet all the specific technical requirements of Convention 138. For example, employment of school-age children is not prohibited to the extent required by Convention 138, and in most jurisdictions children under 13 years are not prohibited from engaging in light, age-appropriate work.

Convention No. 169

While Canada participated in the negotiation of Convention No. 169 and voted in favour of its adoption by the International Labour Organization in 1989, consultations in 1991 between federal, provincial and territorial governments and with representatives of Aboriginal peoples in Canada, did not result in a consensus on Canadian ratification. In particular, there was uncertainty regarding the scope and meaning of the lands and resources provisions, as well as provisions on the administration of justice and education. Also, some Aboriginal representatives expressed concern that Convention No. 169 does not include recognition of the right to self-determination. There are no plans to ratify this Convention at the present time.

2. Please provide information on the impact of the North American Free Trade Agreement (NAFTA) on the enjoyment of the rights recognized in the Covenant in the State Party.

Canada supports the view that open economic systems and liberalized trade and investment regimes contribute, directly and indirectly, to job creation and thus help reduce poverty and ensure an adequate standard of living.

The enhanced economic activity and production in the region generated by the NAFTA have contributed to the creation of more and better paying jobs for Canadians. Close to 2.7 million net new jobs have been created in Canada since 1989. Furthermore, it is estimated that the salaries for those in export intensive industries are, on average, 35 percent higher than those in import competing industries, thus improving incomes for Canadians. Canadians also benefit from the heightened competition and integrated marketplace through better prices and a greater choice of higher-quality goods, including food products, and services.

In this way, the NAFTA contributes to the progressive realization of the right to work protected under article 6, and the right to an adequate standard of living protected under article 11 of the *International Covenant on Economic, Social and Cultural Rights*.

In the international trade regime, labour rights are guaranteed pursuant to separate labour cooperation agreements. The relevant agreement on labour cooperation within the NAFTA is the North American Agreement on Labour Cooperation (NAALC). As with all labour side agreements to which Canada is a signatory, the NAALC commits the Parties to respect and promote certain labour principles and rights. See the response to question 19 of the list of issues to be taken up in connection with the consideration of the fourth periodic report of Canada (E/C.12/Q/CAN/5) for a description of the rights and obligations included in the NAALC.

The NAALC contributes to the progressive realization of labour rights, such as the right to the enjoyment of just and favourable conditions of work, and the right to form trade unions and join the trade union of his or her choice.

**II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT
(Articles 1 to 5)**

Article 2(2): Non-Discrimination

3. Please provide information on the implementation of the new *Immigration and Refugee Protection Act (IRPA)*, which entered into force on 28 June 2002. Can the State party indicate whether the new Act has had any positive impact in combating discrimination? (Para. 84 of the report.)

The *Immigration and Refugee Protection Act (IRPA)* ensures that decisions taken under the Act are consistent with the *Canadian Charter of Rights and Freedoms*, including its principles of equality and freedom from discrimination. In addition, the Act must be applied in a manner that complies with international human rights instruments to which Canada is a signatory.

The family reunification policy of the IRPA has had a positive impact in combating adverse effects on particular groups and in promoting equality of treatment.

Under the previous *Immigration Act* (1978), common-law and same-sex relationships were recognized through administrative guidelines. The discretionary nature of those guidelines resulted in a lack of transparency and the possibility of inconsistent treatment. The recognition of common-law and same-sex relationships through the codified common-law partner and conjugal partner family class immigration categories has eliminated the need for these groups to access discretionary administrative processing.

The IRPA requires that Citizenship and Immigration Canada (CIC) report annually on gender-based analysis (GBA) of the impact of the Act. In 2003, the GBA Unit became a permanent part of CIC. It is responsible for mainstreaming gender considerations into the policy, legislative and program processes of CIC. The Unit focuses on capacity-building activities and training, horizontal policy initiatives, legislative analysis of gender impacts and emerging domestic and international trends from a gender perspective.

CIC adopted the *Strategic Framework for Gender-Based Analysis at Citizenship and Immigration Canada (2005-2010)* in January 2005. The Framework sets in motion a number of initiatives to mainstream GBA in the department in order to meet the legislative requirement to report annually. It also outlines initiatives for achieving the broader departmental policy and program objectives and commitments on GBA and gender equality.

4. Please provide more detailed information on the Court Challenges Program (para. 86 of the report). In particular, has the State party extended the Court Challenges Program to include challenges to provincial legislation and policies, as previously recommended by the Committee?

The Court Challenges Program (CCP) provides funding for test cases of national significance in order to clarify the understanding of the rights of official language minority communities and the equality rights of disadvantaged groups. With respect to linguistic rights, the CCP provides funding for test cases against any level of government, as long as the test case involves one of the official language rights falling within the CCP mandate. With respect to equality rights challenges, which currently receive the majority of funding, the CCP focuses on funding test cases against the Government of Canada.

The Constitutional provisions falling under the CCP mandate include:

- official languages provisions: sections 93 or 133 of the *Constitution Act, 1867*; section 23 of the *Manitoba Act, 1870*; sections 16 to 23 of the *Canadian Charter of Rights and Freedoms*;
- equality rights provisions: challenges based on section 15 (equality) of the Charter and 28 (equality of the sexes), or in which an argument based on section 2 (fundamental freedoms) or section 27 (multicultural heritage) is made in support of arguments based on section 15.

Funding assistance is available to official language minority and disadvantaged groups or individuals (or non-profit organizations representing these groups or individuals) for case development, case research, impact studies, and for legal costs of taking a case to court. Assistance may be granted to a party to the case or to an intervener. The 2004-2005 Annual Report provides data on the number of cases funded from 1994-2005, including the grounds of discrimination covered by funded cases. Funding is provided through a contribution agreement between the Department of Canadian Heritage and the Court Challenges Program of Canada, which is the independent, non-profit organization that administers the CCP.

It is not possible for the government to support all court challenges, but this uniquely Canadian program has been successful in supporting a number of important court cases that have had direct impacts on the implementation of linguistic and equality rights in Canada. A recent evaluation found that there remain dimensions of the constitutional provisions currently covered by the CCP that still require clarification and the current program was extended to March 2009.

Additional information on the CCP, including its annual reports, is available at www.ccpcj.ca.

5. Please indicate what measures the State party has taken at the federal, provincial and territorial levels, to ensure that victims of discrimination have adequate access to a competent tribunal and to an effective remedy for violations of their economic, social and cultural rights.

Canada's approach to preventing discrimination with respect to economic, social, and cultural rights is multifaceted. There are several avenues of recourse to courts, tribunals, commissions, adjudicators, and mediators for people who complain of discrimination. Governments in Canada have worked to ensure that recourse is accessible and effective.

For example, the Government of Canada implements the ICESCR primarily through a number of programmes and legislation. These programmes and legislation are subject to the *Canadian Charter of Rights and Freedoms* that protects against discrimination and provides remedies if discrimination is found. The Charter guarantees that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The Charter is part of the Constitution, which is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect. Anyone whose rights or freedoms, as guaranteed by the Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances. The administration of federal programs may also be subject to judicial review on other grounds such as error of law or procedural fairness.

The administration of some economic, social and cultural programmes is subject to review by administrative tribunals created specifically for the purpose under the relevant legislation. Where these administrative tribunals have jurisdiction, explicit or implied, to decide questions of law arising under a legislative provision, they are now presumed to have jurisdiction to decide the constitutional validity of that provision. The Supreme Court of Canada decided in *Nova Scotia (Workers' Compensation Board) v. Martin*, [2003] 2 S.C.R. 504, that Canadians should be

entitled to assert the rights and freedoms that the Constitution guarantees them in the most accessible forum available, without the need for parallel proceedings before the courts.

In addition, the *Canadian Human Rights Act* protects against discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted, in employment and the provision of goods, services, facilities, and accommodation. A person may file a complaint at the Canadian Human Rights Commission alleging discrimination in the context of pension benefits, employment benefits, etc. Mediation is available to complainants and respondents at the Commission. Mediation can help parties to avoid delays and enable them to reach a speedy resolution. The Commission monitors settlements and, if required, can enforce them through the courts.

In recent years the Commission made changes to its operations in order to improve its efficiency and effectiveness. As a result, the average age of open complaints had decreased; the percentage of final decisions on complaints has increased; and the number of settlements through alternative dispute resolution has increased. The Government of Canada will evaluate these changes to ensure that the human rights system is fair and effective. The Commission has also intensified its efforts to prevent discrimination through memoranda of understanding with employers, which can result in creating new policies or changing existing ones, sharing best practices through human rights training and information, and developing instruments to assist employers, such as case studies, presentations, posters, and interactive teaching tools.

The Commission may refer complaints to the Canadian Human Rights Tribunal, an independent quasi-judicial tribunal, for adjudication. The Tribunal may order a number of remedies, including redress for and prevention of discriminatory practices and compensation for the victim.

In the employment context, the *Canada Labour Code* provides that a labour arbitrator who is interpreting a collective agreement is empowered to interpret and apply the *Canadian Human Rights Act* and to order a remedy under the Act in labour disputes involving employers regulated by the Code, despite provisions in the collective agreements to the contrary. In addition, labour arbitrators now have general jurisdiction to hear discrimination complaints by employees, since the substantive rights and obligations of human rights legislation is considered to be incorporated into each collective agreement over which a labour arbitrator has jurisdiction. The Supreme Court of Canada decided in *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324*, [2003] 2 S.C.R. 157, that under a collective agreement, the broad rights of an employer to manage the enterprise and direct the work force are subject not only to the express provisions of the collective agreement, but also to statutory provisions of human rights legislation and other employment-related statutes.

The new *Public Service Modernization Act*, which covers employees in the federal public service, explicitly empowers grievance adjudicators, in relation to any matter referred to adjudication, to interpret and apply the *Canadian Human Rights Act* and to give a range of remedies. This Act is expected to help accelerate the resolution of human rights claims and further integrate human rights values in the workplace. It will also provide a choice of forum for claimants since the jurisdiction of the Canadian Human Rights Commission will

be concurrent to that of an adjudicator. The *Public Service Modernization Act* does not encroach on the quasi-constitutional nature of the *Canadian Human Rights Act*.

With respect to provincial examples, in Manitoba, victims of discrimination may complain to the Manitoba Human Rights Commission (the MHRC), the body responsible for enforcing the Manitoba *Human Rights Code*. The MHRC functions as a “gatekeeper” and conducts an independent investigation of complaints. If there is sufficient evidence to justify proceeding further (and if the complaint is not settled), it has conduct of the adjudication of the complaint before an independent adjudicator. The MHRC also expends a great deal of time mediating complaints at various stages in the process (pre-complaint, pre-investigation, during investigation and post-investigation).

In 2004:

- 27 percent of the complaints made were dismissed (as being frivolous or vexatious; because the acts described in the complaint did not contravene the Code; or because the evidence supporting the complaint was insufficient to substantiate the alleged contravention);
- 61 percent were settled (including at the pre-complaint stage);
- 12 percent were abandoned or withdrawn; and
- 3 percent were referred to adjudication.

An individual can apply to the Manitoba Court of Queen’s Bench to review a decision of the MHRC to dismiss a complaint. There has only been one challenge to a dismissal which has gone to a hearing; another is currently outstanding. Judicial review is not an appeal on the facts. Depending on the case, it would involve looking at questions like procedural fairness and jurisdictional issues. The standard of review applied by the Court will depend on the issue. Regardless of the standard of review, the right to seek recourse to the Courts by way of judicial review is not an empty right – complainants can and do succeed in such challenges.

It should also be noted that the MHRC has a practice of reconsidering a decision to dismiss a complaint if a complainant provides new and relevant material with respect to the complaint.

Finally, whether or not judicial review takes place, a complainant can complain to the Manitoba Ombudsman. *The Ombudsman’s Act* gives very broad investigation powers to the Ombudsman (<http://web2.gov.mb.ca/laws/statutes/ccsm/o045e.php>).

Ontario has a well-established dispute resolution mechanism to deal with alleged cases of discrimination. The *Human Rights Code* prohibits discrimination and harassment based on race, colour, sex, handicap, age and other enumerated grounds. The Code also gives everyone in Ontario equal rights and opportunities without discrimination in specific areas such as jobs, housing and services. Under the Code, the Ontario Human Rights Commission which was established in 1961 as an arms-length agency of government, is responsible for investigating complaints of discrimination and harassment, making efforts to settle complaints between parties, preventing discrimination through public education and public policy, and looking into situations where discriminatory behaviour exists.

Alleged victims of discrimination can file a complaint with the Commission, which is empowered to investigate, mediate settlement where possible or refer such complaint to the Human Rights Tribunal of Ontario for adjudication. Also, the Commission can decide not to deal with a complaint if it is of the opinion that it:

- can be more appropriately dealt with under another piece of legislation;
- is trivial, frivolous, vexatious or made in bad faith;
- is not within the Commission's jurisdiction; or,
- is based on occurrences that are more than six months old.

The Tribunal hears and decides disputes arising under the Code.

More information can be found on the Commission's Web site, at <http://www.ohrc.on.ca/>, and the Tribunal's Web site, at <http://www.hrto.ca/>.

In February 2006, the Ontario government announced that it would implement changes to the human rights system in the province to strengthen the promotion, advancement and enforcement of human rights. It signalled its intention to introduce legislation later this spring.

Under the proposed new model, individuals and groups would be able to file an application directly with the Tribunal to seek an independent adjudication of their claim. The Tribunal would be responsible for the intake, processing, resolution and enforcement of human rights claims. The Tribunal would have broad power to tailor its proceedings to meet the needs of the applicants before it, including the ability to conduct mediation and other dispute resolution mechanisms.

A key component of the new model would be an integrated system of information, support and legal assistance. A range of support and services would be available where required and to those who need it.

The Commission would focus on advancing human rights and preventing discrimination through proactive measures such as public education, research and analysis to address systemic discrimination. The government would also establish an anti-racism secretariat within the Commission that would provide recommendations and advice to the chief commissioner about racism, and empower the Commission to appoint other advisory bodies to study and provide advice regarding specific issues of discrimination.

The Commission would maintain the power to file a complaint on its own behalf before the Tribunal where there are significant systemic issues affecting the public interest.

Québec, within its areas of jurisdiction, has established agencies and provided forms of recourse that enable citizens to demand the rights to which they are entitled under certain statutes. As several of these rights are protected by the *International Covenant on Economic, Social and Cultural Rights*, these agencies and forms of recourse constitute various ways individuals can use to assert several of the rights that are also covered by the Covenant.

Thus any violation of economic and social rights guaranteed under Chapter 4 of the Québec *Charter of Human Rights and Freedoms*, as well as any discrimination that may result therefrom, may result in the filing of a complaint with the Commission des droits de la personne et des droits de la jeunesse and ultimately recourse before the Human Rights Tribunal.

The economic exploitation of a child (article 10(3) of the Covenant), the refusal by the State to recognize the right of an individual in need and his family to an adequate standard of living (article 11(1)), the denial by an employer of the right to form a trade union (article 8(1)(a)) or the failure by an employer to provide safe and healthy working conditions to an employee (article 7(b)) are all violations that may be sanctioned by the Human Rights Tribunal.

More specifically, any discrimination against women with respect to wages (article 7(a)(i)) may lead to the filing of a complaint with the Commission de l'équité salariale.

Any unfair or disadvantageous working conditions that contravene article 7(d) of the Covenant may also lead to the filing of a complaint with the Commission des normes de travail, which would, if indeed there was a violation of a standard provided in the Act, investigate, bring proceedings or compensate the employee, as applicable.

The provision of safe working conditions (article 7(b)) is also protected by the Commission de la santé et de la sécurité du travail (CSST), which may investigate any employer and, where applicable, compensate any worker whose health and safety has been affected, and any decisions of the CSST in this respect may afterwards be reviewed by the Commission des lésions professionnelles.

Lastly, any decision by the administration that denies a person the right to social security and benefits (article 9) may lead to a complaint being referred to the Québec Administrative Tribunal.

Article 3: Equality of men and women

6. Please provide information on the reports published by the Parliamentary Standing Committee on the Status of Women established in 2004, and indicate whether the recommendations contained therein have been implemented (para. 88 of the report).

The Parliamentary Standing Committee on the Status of Women tabled five reports in the House of Commons in 2005:

- Increasing Funding to Equality-Seeking Organizations, February 10, 2005
- Gender-Based Analysis: Building Block for Success, April 10, 2005
- Funding through the women's program: Women's groups speak out, May 17, 2005
- Moving Forward on the Pay Equity Task Force Recommendations, June 14, 2005
- Interim Report on the Maternity and Parental Benefits Under Employment Insurance: The Exclusion of Self-Employed Workers, November 28, 2005

The Government issued official responses to all reports except the interim report, which was tabled just before Parliament prorogued. The next Parliamentary session began April 3, 2006. The new government is reviewing the recommendations of the Committee.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (Articles 6 to 15)

Article 6: The right to work

7. Please provide statistics on the impact of the Employment Insurance Act (para. 89 of the report) on assisting people return to work. What percentage of women, Aboriginal people, people with disabilities and members of so-called visible minorities have obtained employment owing to the adoption of employment benefits and support measures (EBSM)?

The following table indicates the number of EBSM clients who returned to work in 2003-2004 in each province and territory.

Returns to Employment by Intervention (Regular EBSMs) ¹															
2003/2004															
	NL	PEI	NS	NB	QC	ON	MB	SK	AB	BC	NWT	YT	NU	NHQ	Canada
Employment Benefits															
Targeted Wage Subsidies	553	347	259	1,311	3,618	2,111	195	638	210	2,093	2	11	13	0	11,361
Self-Employment Job Creation Partnerships	244	170	447	259	2,246	2,682	52	137	608	1,848	0	18	0	0	8,711
Skills Development – Regular	1,328	207	566	18	1	1,116	354	0	606	247	0	0	0	0	4,443
Skills Development – Apprentices	3,369	963	2,136	3,590	12,783	7,574	660	0	1,454	3,692	35	75	54	1	36,386
Total Employment Benefits	6,281	1,892	4,256	6,429	18,648	22,608	2,849	3,095	14,535	12,836	137	165	82	1	93,814
Employment Services															
Employment Assistance Group Services	139	313	1,173	1,204	13,594	21,947	2,390	833	10,678	14,058	0	151	0	28	66,508
Individual Counselling	617	78	24	0	7,918	12,747	0	148	0	335	0	0	0	0	21,867
Supplément de retour au travail (Quebec only)	1,201	159	446	2,051	3,621	10,205	5,294	1,982	0	5,363	98	19	0	28	30,467
Total Employment Services	0	0	0	0	6,220	0	0	0	0	0	0	0	0	0	6,220
Total	8,238	2,442	5,899	9,684	50,001	67,507	10,533	6,058	25,213	32,592	235	335	82	57	218,876
Target	7,200	2,163	6,248	7,750	63,547	58,862	10,000	3,750	22,000	27,800	275	318	146	N/A	210,059
Results vs. Targets (%)	114%	113%	94%	125%	79%	115%	105%	162%	115%	117%	85%	105%	56%	N/A	104%

N/A: not applicable

1. Results associated solely with the Aboriginal Human Resources Development Strategy are not included here.

Note: Results have been attached to the last intervention in which a client participated, with employment benefit interventions superceding participation in employment services.

The disaggregated data requested on clients returning to work is not currently available. However, the tables below indicate the proportion of EBSM interventions accessed by women, persons with disabilities, Aboriginal peoples and visible minorities in 2004-2005.

EBSM Designated Member - Women															
2004/2005															
	NL	PEI	NS	NB	QC	ON	MB	SK	AB	BC	NWT	YT	NHQ	NU	Canada
Long-Term Interventions															
Targeted Wage Subsidies	52.5	50.6	44.8	46.1	47.7	41.4	31.8	47.0	52.6	45.8	46.4	25.0	0.0	25.9	46.2
Self-Employment	47.7	34.7	42.9	39.4	37.3	45.2	36.7	38.8	46.5	52.4	0.0	37.5	0.0	33.3	44.3
Job Creation Partnerships	40.2	30.1	49.2	0.0	0.0	54.9	27.8	0.0	42.1	44.4	0.0	0.0	0.0	0.0	44.9
Skills Development - Regular	38.4	55.3	48.2	39.8	49.0	46.6	52.5	42.6	62.8	52.7	33.5	44.7	0.0	39.6	47.9
Skills Development - Apprentices	2.8	3.3	2.7	2.5	0.0	3.9	2.3	3.2	4.8	3.8	3.9	3.2	0.0	0.0	3.9
Total LT Interventions	35.6	44.2	39.1	35.5	48.0	32.4	29.6	23.9	16.3	36.9	27.5	25.9	0.0	30.1	35.9
Short-Term Interventions															
Employment Assistance	42.0	52.2	53.2	46.8	48.2	50.2	49.3	37.9	49.6	52.1	0.0	46.5	31.6	34.9	49.8
Individual Counselling	40.3	59.0	63.0	48.4	43.6	49.0	47.3	43.1	0.0	53.6	0.0	40.4	50.0	0.0	48.4
Supplément de retour au travail	0.0	0.0	0.0	0.0	41.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.0
Total ST Interventions	40.7	54.4	56.9	47.5	46.6	49.8	48.0	41.2	49.6	52.5	0.0	46.0	36.0	34.9	49.4
Pan-Canadian	26.9	28.8	44.4	53.4	51.0	41.2	54.8	42.9	34.6	41.3	40.5	39.4	50.4	34.5	44.6
Grand Total - EBSM	38.6	50.5	49.6	43.6	47.0	47.2	46.2	35.1	45.8	49.9	32.9	40.2	49.8	32.0	46.7

Source: Participant Data Set

EBSM Designated Member - Persons with Disabilities															
2004/2005															
	NL	PEI	NS	NB	QC	ON	MB	SK	AB	BC	NWT	YT	NHQ	NU	Canada
Long-Term Interventions															
Targeted Wage Subsidies	2.2	3.8	10.4	1.6	2.8	4.3	1.2	2.7	8.1	4.7	2.1	0.0	0.0	3.7	3.2
Self-Employment	1.3	6.8	9.9	1.0	0.8	2.8	1.1	1.0	0.9	3.2	0.0	12.5	0.0	0.0	2.5
Job Creation Partnerships	0.9	6.5	10.3	0.0	0.0	1.8	3.5	0.0	12.6	2.7	0.0	0.0	0.0	0.0	3.4
Skills Development - Regular	1.2	6.7	10.7	3.0	1.9	3.5	2.7	4.0	3.3	4.9	1.0	1.9	100.0	0.9	3.1
Skills Development Apprentices	0.5	0.0	0.1	0.2	0.0	0.0	0.0	0.3	0.0	0.1	0.8	0.0	0.0	0.0	0.1
Total LT Interventions	1.1	5.5	8.6	2.1	2.0	2.2	1.6	1.9	1.1	3.2	1.2	1.9	100.0	1.2	2.3
Short-Term Interventions															
Employment Assistance	2.3	20.9	19.4	4.3	4.8	4.9	6.8	14.7	2.2	7.3	0.0	8.9	100.0	4.7	4.9
Individual Counselling	5.7	23.5	19.2	5.3	2.7	4.7	2.5	4.6	0.0	10.9	0.0	29.8	100.0	0.0	5.9
Supplément de retour au travail	0.0	0.0	0.0	0.0	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.5
Total ST Interventions	4.9	21.8	19.3	4.8	4.2	4.9	4.0	8.4	2.2	8.2	0.0	10.6	100.0	4.7	5.1
Pan-Canadian	0.4	0.0	9.9	9.1	0.5	2.5	4.3	1.4	3.5	3.0	0.7	5.7	4.9	0.0	3.2

Grand Total - EBSM	3.4	15.6	14.8	3.9	3.5	4.5	3.7	5.6	2.1	7.4	1.0	7.7	8.6	2.1	4.5
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Source: Participant Data Set

*Percentages may be low due to data collection issues.

EBSM Designated Member - Aboriginal Peoples														
2004/2005														
	NL	PEI	NS	NB	QC	ON	MB	SK	AB	BC	NWT	YT	NHQ	Canada
Long-Term Interventions														
Targeted Wage Subsidies	2.6	0.0	2.1	0.0	1.1	1.3	4.8	20.8	4.6	4.8	44.3	0.0	0.0	2.9
Self-Employment	1.3	1.8	3.4	0.0	0.7	1.2	6.8	6.8	2.8	3.1	0.0	0.0	0.0	1.9
Job Creation Partnerships	1.9	1.6	1.8	0.0	0.0	3.6	8.4	0.0	10.5	11.0	0.0	0.0	0.0	4.5
Skills Development - Regular	3.4	1.2	2.0	0.0	0.6	1.5	8.5	9.7	6.2	5.2	34.5	6.8	0.0	2.3
Skills Development - Apprentices	0.9	0.7	1.3	0.4	0.0	0.3	5.7	4.6	0.2	0.6	4.7	0.0	0.0	1.0
Total LT Interventions	2.6	1.1	2.0	0.1	0.7	1.2	7.1	8.7	1.6	3.7	27.7	3.2	0.0	2.1
Short-Term Interventions														
Employment Assistance	6.7	0.7	1.2	0.0	0.6	1.1	9.3	20.3	14.2	6.2	0.0	18.0	5.3	6.1
Individual Counselling	3.2	1.3	1.0	0.0	0.6	1.8	6.2	15.4	0.0	7.5	0.0	12.8	16.7	3.8
Supplément de retour au travail	0.0	0.0	0.0	0.0	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6
Total ST Interventions	4.0	0.9	1.2	0.0	0.6	1.3	7.3	17.2	14.2	6.5	0.0	17.5	8.0	5.4
Pan-Canadian	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Grand Total - EBSM	4.3	1.7	4.4	0.8	1.5	2.4	14.7	19.3	13.5	8.9	57.9	30.7	96.4	6.6

Source: Participant Data Set

*Percentages may be low due to data collection issues.

EBSM Designated Member - Visible Minorities															
2004/2005															
	NL	PEI	NS	NB	QC	ON	MB	SK	AB	BC	NWT	YT	NHQ	NU	Canada
Long-Term Interventions															
Targeted Wage Subsidies	0.0	0.6	2.5	0.0	0.0	6.3	6.0	2.0	7.5	6.1	4.1	0.0	0.0	0.0	2.2
Self-Employment	0.0	0.9	3.2	0.0	0.0	7.4	2.8	2.4	5.3	6.3	0.0	0.0	0.0	33.3	4.3
Job Creation Partnerships	0.4	1.2	4.8	0.0	0.0	4.1	9.8	0.0	16.3	3.8	0.0	0.0	0.0	0.0	4.1
Skills Development - Regular	0.3	0.9	4.5	0.0	0.0	9.5	11.5	1.6	21.3	9.1	6.0	1.0	0.0	0.0	4.0
Skills Development - Apprentices	0.1	0.0	1.1	0.0	0.0	0.1	0.6	0.4	0.1	0.2	2.3	0.0	0.0	0.0	0.2
Total LT Interventions	0.3	0.8	3.7	0.0	0.0	5.5	6.6	1.1	3.9	5.4	4.5	0.5	0.0	0.6	2.8
Short-Term Interventions															
Employment Assistance	0.1	2.5	8.0	0.0	0.0	8.4	9.2	4.5	11.4	11.4	0.0	0.0	0.0	0.0	8.2
Individual Counselling	0.1	2.6	4.2	0.0	0.0	7.0	7.3	1.9	0.0	4.8	0.0	0.0	0.0	0.0	4.4

Supplément de retour au travail	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total ST Interventions	0.1	2.6	6.5	0.0	0.0	8.0	8.0	2.9	11.4	9.6	0.0	0.0	0.0	0.0	7.1
*Pan-Canadian	0.0	0.0	0.2	0.4	4.5	1.2	0.0	0.0	0.0	2.4	1.6	6.2	0.0	0.0	1.3
Grand Total - EBSM	0.2	1.9	5.2	0.0	0.0	7.6	7.2	2.1	10.4	8.8	3.3	1.3	0.0	0.4	6.2

Source: Participant Data Set

*Percentages may be low due to data collection issues.

**Some Aboriginal clients self-identified as visible minorities.

Article 8: Trade union rights

8. Please indicate the reasons for restricting the exercise of the right to strike by nurses and health professionals in British Columbia, as a result of legislation introduced in 2001.

Nurses and health professionals in British Columbia continue to have the right to strike. There is no explicit prohibition against the right to strike for any category of workers in British Columbia. However, essential services must continue to be provided where a dispute poses a health, safety or welfare threat, or a threat to educational programs for students. Examples include police, firefighters, hospital and other health care workers, and teachers.

The legislation in question was passed in 2001-2002. Since that time, the parties have successfully completed two rounds of negotiations in 2004 and 2006, without recourse to legislation.

Article 9: The right to social security

9. On 15 June 2005, the National Assembly of Québec adopted the Individual and Family Assistance Act, which does not provide for the annual index-linking of assistance paid to all recipients. What measures does the State party intend to take to remedy the situation in order to enable the people of Québec to enjoy their right to social security?

The government action plan to combat poverty and social exclusion, which was announced in April 2004, provides for the adjustment of employment assistance benefits effective January 1, 2005, and for the following five years. Québec is one of the provinces that have increased the amount of benefits paid under last resort assistance since 2001.

Under the action plan, benefits paid to people who are severely limited for employment have been adjusted since January 1, 2005, to the same indexing rate as the one used to index personal income taxes. For those who are employable, this annual indexing is equivalent to half of the taxation system indexing, with the financial assistance tied to the social and economic participation efforts, has increased. Lastly, benefits paid to institutionalized adults and adults staying in an institution while awaiting their reintegration are indexed at the same rate as the ones set for benefits paid to households with severe employment constraints.

The last resort assistance legislation never provided for the indexing of last resort assistance benefits. However, prior to 1996, the *Income Support Regulation* provided for the annual indexing of benefits for claimants who are severely limited for employment and prior to 2004 for

persons who are sheltered or institutionalized. Nevertheless, despite the repeal of these sections of the Regulations, the benefits awarded to claimants who are severely limited for employment or institutionalized have consistently been indexed since 1996.

Furthermore, the passage in June 2005 of the *Individual and Family Assistance Act*, as well as other enhancements to the current last resort assistance system, makes it possible for the Government of Québec to implement other measures that were announced in the government action plan to combat poverty and social exclusion, including:

- the guarantee of a minimum benefit, effective since October 1, 2005;
- the extension, since January 1, 2006, of the partial exemption to make support payments for children of all claimant families;
- the development of savings among low income families, beginning January 1, 2006.

10. What measures have been adopted and implemented by the State party to ensure that cuts in social programmes do not have a detrimental impact, especially on women, children, older persons, persons with disabilities, and disadvantaged and marginalized individuals and groups?

It is important to note that since the mid-1990's social security expenditures in Canada have increased substantially. This has included significant investments in a range of social programs such as health, housing, and supports for vulnerable Canadians. Examples of federal, provincial and territorial social security measures and expenditures are outlined below. Additional information on government initiatives can be found in the response to question 32 of the list of issues related to the review of Canada's Fourth Report on the ICESCR.

Since 1999, the Government of Canada has established or enhanced a number of major initiatives to support children and families. The overall level of federal investment stood at over \$13 billion a year in 2004-2005. This includes investment in areas such as income support, tax measures, maternity/parental benefits, and community programs.

The National Child Benefit, the Canada Child Tax Benefit (CCTB) and the National Child Benefit (NCB) Supplement are described in Canada's Fourth and Fifth Reports on the ICESCR. In 2003-2004, the Government of Canada invested about \$2.7 billion in the National Child Benefit and put in place a five-year investment plan that provides a \$965-million-per-year increase in the NCB Supplement by 2007. This means that the total annual federal support delivered through the CCTB system is projected to reach \$10 billion by 2007-2008.

Employment Insurance maternity and parental benefits were enhanced in 2000 and allow more parents to spend time with their children or newly adopted children during the first year of life. While expenditures vary depending on claims made each year, in 2003-2004 expenditures were \$909 million for maternity benefits and \$2.015 billion for parental benefits. In comparison, in 1999-2000, expenditures were \$723 million for maternity benefits and \$472 million for parental benefits.

Joint initiatives with the provinces and territories are also helping to expand and improve programs and services for families with young children. Under the Early Childhood

Development Agreement, reached in 2000, the Government of Canada transfers \$500 million per year to provincial and territorial governments to expand and improve early childhood development programs and services. Through the Multilateral Framework for Early Learning and Child Care, established in 2003, the Government of Canada transfers funding to provincial and territorial governments to improve access to affordable, quality, provincially and territorially regulated early learning and child care programs and services. Funding under this initiative will near \$350 million per year by 2007-2008. Further information on both programs can be found in Canada's Fifth Report on the ICESCR.

Federal community-based programs are also helping to support children and families at risk, including in Aboriginal communities. For example, under the federal strategy on Aboriginal early childhood development, announced in 2002, the Government of Canada is investing an additional \$320 million over five years to support the early childhood development of Aboriginal children by enhancing programs such as Aboriginal Head Start and the First Nations and Inuit Child Care Program, and to intensify efforts to reduce the incidence of Fetal Alcohol Spectrum Disorder for First Nations children living on reserve. Budgets 2003 and 2004 further provided \$45 million over three years, beginning in 2005-2006, to build on federal early learning and child care programs for First Nations children, primarily on-reserve. In total, combined federal expenditures on these programs amounted to approximately \$137 million in 2004-2005.

The Government of Canada is also partnering with communities that are working to better understand the situation and specific challenges affecting their young children and families. Through the Understanding the Early Years initiative, enhanced in 2004, the Government of Canada is investing \$68 million over seven years to assist up to 100 communities gain information on their children's readiness to learn, the family and community factors that influence child development, and the local resources available to support young children and their families. Through improved knowledge, communities will be able to better develop and fine-tune policies, programs and community support services that best promote the well-being of their children.

With respect to seniors, the Government of Canada is working to ensure that all seniors have a secure income and can remain active in their community. There has been a sharp decline in the overall low income rate for seniors since 1980. This is due, in large part, to the maturation of the Canada and Québec Pension Plans and a rising share of seniors with private pension income through an employer-sponsored pension plan or a Registered Retirement Savings Plan.

A number of key policies and programs such as the Guaranteed Income Supplement (GIS) and the Allowance under Old Age Security (OAS) provide income support benefits and build on other important programs including the Canada Pension Plan (CPP) and OAS.

In July 2004, the federal lead for seniors was transferred to the Minister of Social Development (now Human Resources and Social Development) from the Minister of Health, to complement the Departmental lead on public pensions. One of the first initiatives undertaken by the department was to address the challenges of low income seniors through the GIS benefit. The GIS is an income-tested supplement that provides low-income seniors with a fully indexed benefit, and ensures a basic level of income throughout their retirement years. As it had not

undergone a non-indexed increase since 1984 and average wages rose faster than inflation, GIS recipients had fallen behind the standard of living of working-age Canadians.

An increase to the GIS was announced in February 2005 totalling \$2.7 billion over five years that will increase maximum monthly benefits by \$36 for single seniors and \$58 for couples, for up to \$433/year for singles and \$700/year for couples. A total of 1.6 million GIS recipients will benefit from this increase (including more than 50,000 seniors who will become eligible for benefits as a result of the change). This increase closes the gap for low-income seniors to bring their standard of living back up to 31 percent of average wages and salaries. This will also serve to reduce the incidence of low income among GIS recipients from 28 percent to 23 percent, and the overall rate of low income among seniors from 6.9 percent to 6.3 percent. Half of the GIS increase began to roll-out in January 2005, with the remaining half beginning in January 2006.

Government of Canada spending on disability-related benefits and programs has also notably increased in recent years. Total funding in this area rose from \$6.55 billion in 2001-2002, to \$7.47 billion in 2003-2004, and up to \$7.63 billion in 2004-2005. These increases have resulted in the provision of additional support on a number of levels. For example, in recognition that people with disabilities face extra disability-related expenses, a number of new or enhanced tax measures have been introduced, with investment in tax measures growing from \$1.1 billion in 2001-2002, to \$1.52 billion in 2004-2005. Increases to income support have been made through the Veterans Disability Pension Program, growing from \$1.3 billion in 2001-2002 to \$1.58 billion in 2004-2005. Increased support for skills development programs has been provided through the Labour Market Agreements for Persons with Disabilities, while additional resources to improve accessibility have been provided through home modification programs, administered by the Canada Mortgage and Housing Corporation and under the Veterans Independence Program.

More generally, between 1996-2004, expenditures in support of persons with disabilities increased by about 38 percent, with total income-related benefits increasing by about 20 percent, investment in tax measures doubling, and other program benefits increasing by 60 percent. In comparison, the consumer price index increased only by 17.7 percent during this same time period. Thus, disability spending has remained a relatively stable spending priority since 1996, increasing at about the same rate as total government program spending.

The Canada Pension Plan (CPP) Disability Program is another important vehicle for Government of Canada income support to persons with disabilities. It provides basic earnings replacement for CCP contributors who cannot work at any job due to a severe and prolonged mental or physical disability as defined by the CCP legislation. In 2004-2005, it paid \$3.1 billion in benefits to 290,000 beneficiaries and their 9,000 children. The amount of benefits paid out has remained fairly steady over the last decade, but has slowly started to increase since 2000-2001. The average benefit has increased from \$745 in 2000-2001 to \$835 in 2004-2005.

The CCP Disability Program also supports recipients who are trying to return to work through a variety of means, including an allowable earnings amount, a work trial period and a vocational rehabilitation service. In 2005, a new provision was put in place to allow for the Automatic

Reinstatement of disability benefits for those who leave benefits but have a recurrence of the same of related disability within two years.

Support for seniors, persons with disabilities, and their families, is also provided via initiatives related to caregiving. More and more Canadian seniors and persons with disabilities or health limitations are now receiving care in their own homes from a family member or friend, and family caregivers play a crucial role in maintaining independence at home of these individuals. Caregiving responsibilities, however, can be very overwhelming, resulting in negative financial, physical and emotional consequences. The Government of Canada supports family caregivers through various measures, including the Employment Insurance Compassionate Care Benefit, which offers up to six weeks of income replacement for individuals who must leave work to provide care to a dying relative, as well as some tax measures to offset some of the costs associated with caregiving. The Government of Canada also assists provinces and territories in providing programs and services to caregivers through the Canada Social Transfer.

Manitoba has continued to expand its social programs since the period covered by Canada's Fifth Report under the ICESCR. Examples of further enhancements include:

- Manitoba significantly expanded child care programming through its Five-Year Plan for Child Care (http://www.gov.mb.ca/fs/childcare/five_yr_plan.html), and through the signing of the *Multilateral Framework on Early Learning and Child Care* with the Government of Canada in 2003. Quality child care helps support parents in pursuing education and employment, reducing dependence on other programming.
- Manitoba's Affordable Housing Initiative (AHI), cost-shared with the Government of Canada (discussed at paragraph 309 of Canada's Fifth Report), specifically targets the populations cited above, as well as urban Aboriginal persons, residents of the rural and remote North and new immigrants. Under the AHI, housing that is purchased or rented at or below the median market rent is being constructed or renovated across Manitoba in partnership with municipalities and community groups. By way of up-date, in the capital alone, more than 2,500 units have been built, renovated or converted since 1999.
- Manitoba continues to make improvements to the Employment and Income Assistance Program (EIA). In addition to the information provided at paragraphs 299 to 302 of Canada's Fifth Report, Manitoba has increased earnings exemptions designed to enable participants to move into or remain in the workforce. Now, single parents with disabilities may keep the first \$115 per month of net employment income, plus 30 percent of income over the first \$115; other persons with disabilities may keep the first \$100 per month of net employment income, plus 30 percent of income over the first \$100; single parents may keep up to \$115 of net monthly earning plus 25 percent of earnings over the first \$115; and single persons, childless couples and couples with dependants may keep up to \$100 of net monthly earnings plus 25 percent over the first \$100.
- Manitoba increased the school supplies allowance for children in income assistance households in July 2000 by \$20 per child to \$60 for children in kindergarten to grade six, \$80 for students in grades seven and eight, and \$100 for students in grade nine through

12 (S1 to S4). This increase provides additional assistance to EIA families for the cost of school supplies. In November 2001, the school supplies allowance was extended to children attending nursery school in publicly-funded schools (this excludes publicly-funded independent nursery school programs).

- The Department continues to operate the Income Assistance for Persons with Disabilities Program, which provides financial and employment assistance for adults with a disability who are enrolled in the Employment and Income Assistance program. This financial assistance is provided in recognition of the additional costs for persons with disabilities associated with living in the community.

Manitoba also has measures in place that protect citizens, including the target groups identified in the question, such as the following:

- Manitoba has adopted a number of statutes which are designed to protect and represent the best interests of children and families. Under *The Child and Family Services Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>), *The Adoption Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/a002e.php>), and *The Child and Family Services Authorities Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/c090e.php>), Manitoba has legislated the delivery of child and family services which respect the cultural heritage of First Nations and Métis people – see paragraph 305 of Canada’s Fifth Report under the ICESCR and *Canada’s Fifth Report on the International Covenant on Civil and Political Rights* for more information on this initiative.
- *The Child and Family Services Act* provides for a Children’s Advocate – see paragraphs 1219 to 1220 of Canada’s Fourth Report under the ICESCR.
- *The Employment and Income Assistance Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/e098e.php>) authorizes the granting of income and emergency housing benefits to any persons needing crisis intervention. The legislation assures the following for women, children and men impacted by domestic violence:
 - There is no cost to a person accessing emergency crisis facilities (associated fees are paid by the Employment and Income Assistance program to the agency on behalf of each client for each day of stay);
 - Emergency housing costs are provided to persons needing to leave their family home and who are not accessing shelter services; persons leaving shelter accommodations for private housing receive income and housing benefits through the EIA program;
 - Any special needs costs are also covered by the EIA program (including, but not limited to, new door locks, furnishings, clothing, household and personal effects).
- *The Vulnerable Persons Living with a Mental Disability Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php>) promotes and protects the rights of adults living with a mental disability who need assistance to meet their basic needs – see

paragraphs 1182 to 1185 of Canada's Fourth Report under the ICESCR for more information. The legislation also provides for the protection of vulnerable persons from abuse or neglect. By law, service providers, substitute decision makers and committees must report to Manitoba Family Services and Housing suspected abuse or neglect of the vulnerable persons they assist.

In Ontario, over 190,000 individuals and families, representing over 385,000 people, who rely on Ontario Works and over 200,000 individuals and families, representing over 280,000 people, who rely on the Ontario Disability Support Program (ODSP) are benefiting from the 3 percent increase in maximum monthly rates. This is the first increase in social assistance rates in 12 years. The increase in ODSP rates was implemented in February 2005 and the increase in Ontario Works rates was implemented in March 2005.

Similar to the July 2004 National Child Benefit Supplement (NCBS) increase, the July 2005 increase to the maximum NCBS was not treated as income and not deducted from social assistance cheques of those families who are eligible to receive NCBS. In over two fiscal years, this would result in an additional \$36.5 million for families with children on social assistance in Ontario.

The Pregnancy Nutritional and Breast-feeding Allowance is available to assist social assistance recipients with special dietary needs associated with pregnancy and breast-feeding.

The government has also implemented a number of changes in ODSP and Ontario Works policy including the following:

- The requirement for consent to a lien on interest in property has been eliminated.
- The \$100 minimum sponsorship deduction has been eliminated for sponsored immigrants who are not living with their sponsors.
- Full income support available to women who are temporarily residing in an interval/transition home in order to maintain community accommodation.

The Ontario Ministry of Community and Social Services (MCSS) has also introduced new employment supports including:

- Extended health benefits for up to six months for people exiting Ontario Works for employment. In exceptional circumstances, these benefits may be extended up to a 12-month period.
- Creating an employment benefit of up to \$500 to help Ontario Works recipients who obtain full-time employment pay for job-related expenses.
- Helping Ontario Works participants transition to full-time work and financial independence by increasing the maximum deduction from earned income for informal childcare costs from \$390 to \$600 per month per child.

MCSS currently provides over \$1.2 billion in funding for supports and services for adults with a developmental disability. Since January 2004, the Ministry has initiated or announced new

programs and over \$190 million in new funding to support the transformation of the developmental services system.

Through local agencies, Consolidated Municipal Services Managers (CMSMs), and District Social Services Administration Boards (DSSABs) the Ontario government provides supports and services for adults who are marginalized in society due to low-income, victimization and disability.

In 2004-2005, MCSS provided a three percent increase to community agencies that have not received a funding increase in several years, which included violence against women and domiciliary hostel agencies, agencies serving homeless people and persons with disabilities.

In Québec, section 19 of the *Act to combat poverty and social exclusion* (R.S.Q., C. L-7) provides that the Minister of Employment and Social Solidarity (MESS) shall give the other ministers any advice that she considers appropriate to improve the economic and social circumstances of persons and families living in poverty and social exclusion, and shall take part in the development of measures that could have a significant impact on such persons and such families.

In addition, under section 20 of the Act, each minister, when presenting proposals to the government, is responsible for giving an account of any significant direct impacts of bills or regulations on the incomes of persons or families who are living in poverty. This section goes on to add that the persons and families covered by this impact clause are those who are living in poverty according to the indicators retained under this Act.

Sections 19 and 20 came into force on March 5, 2003. Since then, discussions have been held between MESS representatives and representatives from other departments to agree upon a number of rules to ensure compliance with these provisions.

Furthermore, when MESS is required to adjust its programs and these adjustments may have an impact on the income of the clients in question, specific rules are to be established for persons who are severely limited for employment, single parent families and persons having to care for a family member, to ensure that they maintain equivalent income, in view of the difficulties that such clients may have in entering the labour market.

The government also took a number of steps to combat poverty and social exclusion by introducing a set of measures and programs to improve the income of persons and families living in poverty and social exclusion. These include child assistance, the work premium and the Québec Parental Insurance Plan.

The Saskatchewan Building Independence strategy emphasizes labour market attachment as fundamental to addressing poverty, reducing welfare dependency and strengthening the economy. Building Independence is a group of eight programs designed to help Saskatchewan people make the transition from social assistance to employment. Supports outside of welfare, such as family health benefits or employment income supplements, make low wage work more attractive and provide families with a measure of income stability. Employment offers a more

promising path to a better life than a welfare program ever could. Employment produces better outcomes in terms of long-term economic gains, self-esteem, quality of life and buffering poverty across generations.

As part of the government's citizenship focus, gender-based analysis is used to develop policies and programs that effectively respond to the unique circumstances of women. In the future, there will be continued focus on the gathering and analysis of client data, including characteristics such as gender, to create a clearer picture about how programs and policies impact on citizens' lives.

There have been no funding cuts to social programs in Yukon in recent years. The territorial government has been steadily increasing social spending.

Article 11: The right to an adequate standard of living

11. The low-income cut-off (LICO) is used as the official measure of poverty in the State party (para. 121). The report indicates that poverty is generally on the decrease. Please provide statistical data on any decrease of the poverty rate, especially among women, older persons, persons with disabilities, Aboriginal people, members of so-called visible minorities and disadvantaged and marginalized individuals and groups.

The statement that the Low Income Cut-off is "the official measure of poverty in the State party" is not correct. There is no official measure of poverty in Canada. Analysis, both inside and outside governments, relies instead on different measures of the incidence of low income. Importantly, these measures remain instruments of analysis and are not used explicitly in programs.

That being said, the post-income tax version of the Low Income Cut-offs (LICOs) is the low income measure most widely known and used for poverty analysis in Canada. Developed by Statistics Canada, the LICOs, which are based on an analysis of family spending, represent the level of income under which a family is likely to spend a disproportionate share of its income on food, shelter and clothing compared to the average Canadian family. The LICOs vary by family size to reflect the variations in the needs of families of various sizes, and by community size to reflect the differences in housing costs across communities of different population sizes. They are updated annually to reflect changes in price levels using the Consumer Price Index (CPI) and are periodically revised to take into account changes in Canadian families' spending patterns (current LICOs represent families spending patterns as of 1992).

The post-income tax (or disposable) definition of LICOs is more commonly used for two reasons: first, according to Statistics Canada, post-tax low income rates better reflect the redistributive impact of the tax and transfer systems than pre-tax post transfer low income rates; and second, since the purchase of necessities such as food, shelter and clothing is done using disposable income, it is more relevant to use an after-tax income definition in drawing any conclusion on the overall economic well-being of Canadians.

The table below presents low income rates for selected groups over the period 1996-2004. The groups outlined in the table include all Canadians, children under 18 years of age, the elderly (65 years old and over), and women. Also included are a number of specific groups for which recent research in Canada have shown that the likelihood of experiencing a situation of low income is substantially higher than average. These groups include single parents, unattached individuals aged between 45 and 64, persons with work limitations, off-reserve Aboriginals, and recent immigrants (10 years or less – many of which are also visible minorities).

As can be seen from the table, the overall low income rate declined from 15.7 percent in 1996 (the year where the level of low income peaked during the 1990s) to 11.2 percent in 2001. Since then, this rate increased marginally, standing at 11.2 percent in 2004 (the last year for which data are available). While the overall low income rate declined by 4.5 percentage points over the period, the observed declines vary significantly across various groups. Single parents experienced the largest reduction in their rate of low income (a 17.2 percentage point decline) followed by off-reserves Aboriginals (10.7 percentage points) and recent immigrants (10.5 percentage point). Unattached individuals (aged 45 to 64), persons with work limitations, children under 18 years old, and women generally all experienced above average reduction but of a smaller magnitude. Only elderly Canadians (65 years old and over) experienced a below average decline in their low income rate over that period (4.2 percentage point decline). However, the level of low income among this group is much lower than for any other groups shown in the table.

**Trends in Low Income Rate (%): 1996-2003,
Selected Groups (LICO After-tax, 1992-Based)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004
All persons	15.7	15.3	13.7	13.0	12.5	11.2	11.6	11.5	11.2
Children <18	18.6	17.8	15.5	14.4	13.8	12.1	12.2	12.4	12.8
Persons 65 and over	9.8	9.1	8.6	7.8	7.6	6.7	7.6	6.8	5.6
Women	16.5	16.3	14.5	13.6	13.6	12.1	12.4	12.1	11.7
Single parents^(a)	48.9	45.4	39.0	36.1	32.3	30.1	34.2	33.6	31.7
Unattached 45-64	42.9	45.2	44.7	44.2	43.9	40.2	35.9	33.9	NA
Persons with work limitations^(a) (b)	30.4	31.5	30.2	27.7	25.9	24.9	23.6	23.6	NA
Off-reserve Aboriginal people^(a)	30.7	28.7	25.0	19.8	18.9	16.1	16.1	20.0	NA
Recent immigrants (10 y. or less)^(a)	34.4	31.6	28.8	27.9	27.0	23.9	27.9	23.9	NA

Source: Income Trends in Canada, 2003 and in-house calculations based on the Survey of Labour and Income Dynamics.

Notes: (a) Only persons aged between 16 and 64 years old are included in the calculations.

(b) The definition of a work limitation changed in 1999. This could impact on the low income trends observed for that group.

According to the Survey of Labour and Income Dynamics (SLID), the percentage of adults with disabilities (aged 16-24) with household after-tax incomes below LICO decreased by 4 percent between 1999 and 2002. The percentage of adults with disabilities (aged 16-24) living below LICO was 19 percent in 1999, 19 percent in 2000, 18 percent in 2001, and 15 percent in 2002. However, the percentage of seniors with disabilities living in low-income households increased very slightly, by 0.4 percent, growing from 8.2 percent in 1999 to 8.8 percent in 2002.

12. It is pointed out in paragraph 132 of the report that in 2001 there were 1.7 million households (about 16 percent of the total) in core housing need. Given this figure, what proportion of the budget is devoted to housing in 2005-2006? What remedial measures have been adopted and implemented to provide social housing to the lower income groups and disadvantaged and marginalized individuals and groups, and with what results?

The response to question 36 of the list of issues related to the review of Canada's Fourth Report on the ICESCR includes updated national core housing figures and information on federal, provincial and territorial expenditures and housing units. Additional information on measures taken by provincial and territorial governments is outlined below.

Manitoba will spend approximately \$37.8 million in support of housing programs in 2005-2006. This represents 0.47 percent of the total provincial budgetary estimates of expenditure (\$8,063.9 million).

The Manitoba Housing and Renewal Corporation, through its agent, the Manitoba Housing Authority, functions as the property management agency for approximately 13,000 units in the provincial public housing portfolio. These units, rented on a rent-geared-to-income basis, provide a safe and secure living environment for seniors, individuals and families, the majority of whom are in receipt of employment and income assistance benefits.

The Manitoba Housing and Renewal Corporation also:

- oversees the Rural and Native Housing portfolio, which provides 2,900 homes for families living in rural and northern Manitoba at subsidized rent levels;
- subsidizes an additional 20,000 units of housing across Manitoba that are managed by local non-profit organizations; and
- funds a Rent Supplement program designed to assist low and moderate-income families and elderly households to obtain suitable housing in the private rental sector and in non-profit housing projects.

The Employment and Income Assistance Program provides shelter-related costs to Manitobans in need. In 2003-2004, total expenditure for shelter costs was \$75.3 million, representing 0.93 percent of total provincial budgetary estimates of expenditure. If utilities are included in costs, then an additional \$23.0 million was provided to participants for a total of \$98.3 million, or 1.22 percent of total provincial budgetary estimates of expenditure.

For the 2005-2006 fiscal year, the Ontario Ministry of Municipal Affairs and Housing has an estimated expenditure of \$1.08 billion (including operating and capital expenses), representing approximately 1.3 percent of Ontario's total estimated expenses.¹

Several measures have been adopted and implemented to create more affordable housing and support those with special housing needs:

On April 29, 2005, the governments of Canada and Ontario signed a new Affordable Housing Program (AHP) Agreement, which will commit \$602 million over the next four years to increase the supply of affordable housing in the province. In total, the AHP will create 15,000 units of affordable housing, including 700 units of new supportive housing for people with serious mental illness and 500 units for victims of domestic violence. It will also provide housing allowances for up to 5,000 Ontario households, of which 500 units are set-aside for victims of domestic violence. Under the terms of the original AHP Agreement signed in May 2002, the province has approved \$100.4 million in funding for the development of 4,406 units under the Affordable Housing Program's Community Rental Housing, Homeownership, and Remote components. This comprises \$94 million for 3,284 rental units, \$2.3 million for 382 homeownership units and \$4 million for 200 units under the remote component.

Ontario is establishing the Ontario Mortgage and Housing Initiative to provide competitive financing rates for non-profit, co-operative and commercial developers that want to build rental housing in Ontario.

In March 2004, Ontario announced a \$10 million Provincial Rent Bank program to assist tenants when they face temporary financial setbacks resulting from illness, a job loss, or a family emergency.

Ontario is currently working to replace the *Tenant Protection Act, 1997* with fair and balanced legislation that will provide real protection for tenants. In 2004, the Ontario government amended the *Tenant Protection Act* to remove the automatic two percent portion of the annual rent increase guideline. This step has limited the rent increase guidelines to historic lows of 1.5 percent in 2005 and 2.1 percent in 2006.

In November 2004, Ontario announced a \$3.6 million housing-allowance pilot program in the City of Toronto to provide 400 housing allowances for five years. The Toronto pilot is an innovative partnership between the Ontario government, the City and the private sector.

Social housing in Ontario is administered and largely funded by local governments, known as service managers. The federal government currently provides the province with approximately \$520 million under the Social Housing Agreement, some of which is retained to pay for programs or projects not yet devolved, but most of which is transferred to the local service

1. Please note that the expenditure for the Ministry of Municipal Affairs and Housing represents all ministry expenditures and not those solely for housing purposes. As the ministry's total expenditure was used in previous UN ISCESR reports, for consistency and for comparability purposes, the same reporting methodology has been used in this survey. The information is drawn from Ontario's 2005 Budget.

managers. The service managers have additional costs of approximately \$750 million (2004 costs).

The Ontario government's Strong Communities Rent Supplement Program offers municipalities up to \$50 million per year to assist low-income households. This program empowers municipalities to quickly supply funding for housing to those in need. This program provides municipalities with the flexibility they need to develop solutions that respond best to the needs of their communities, such as improving the rent affordability built under the Canada-Ontario Affordable Housing Program (AHP), the City of Toronto's "Let's Build" Program and the federal Supporting Community Partnerships Initiative (SCPI).

The Ontario Works program assists clients in need of housing by investing in temporary housing and funding emergency shelters for lower income, the disadvantaged and marginalized individuals and groups. Emergency shelters are housing services of last resort for people without permanent accommodation. They provide board, lodging and personal needs to homeless people on a short-term and infrequent basis, and do not include services provided to victims of family violence. Some shelters serve single adults, some serve families.

In addition, Ontario Works and the Ontario Disability Support Program provide a Community Start Up and Maintenance Benefit to social assistance recipients to help establish and/or maintain their housing (i.e. prevent eviction or utility disconnection). The maximum amount provided under this financial program is \$1,500 for a benefit unit with one or more dependent children and \$799 in all other cases.

The budget of the Société d'habitation du Québec (SHQ), including funding for CMHC programs, is over \$600 million per year, primarily for social housing assistance. The municipalities also contribute to funding low-cost housing and also to financing new social and community housing.

In addition to this amount, other Québec departments also contribute to spending on social housing. For example, the Department of Employment and Social Solidarity (MESS) plays an important role in helping low income households find accommodation under the employment assistance program, because benefits paid to recipients under the program are largely used to offset the cost of housing for households. Furthermore, the property tax refund (RIP) lightens the fiscal burden for approximately a million low-to-moderate income Québeckers.

In its 2005-2006 budget speech, the Québec government demonstrated its firm commitment to finding lasting solutions to the problem of housing for low-income households. It also announced:

- the building of 2,600 additional social and community housing units, raising the objective from 16,000 to 18,600 units by 2008. By January 31, 2006, over 14,000 housing units had already been built or were under construction. An additional \$145 million was announced, bringing the total spending to \$401 million since the 2004-2005 budget;

- an additional \$15 million in spending on the maintenance and renovation of low cost public housing, increasing this budget item by \$59 million to \$74 million in 2005.

The SHQ's programs are almost entirely intended for low income households or households encountering specific situations, such as the homeless, or people with a mental disability or illness, persons with disabilities, persons with decreasing independence, or women and children who are victims of family violence. The SHQ's actions are generally undertaken in partnership with municipalities and housing authorities or jointly with community agencies like housing cooperatives or non-profit organizations (NPOs). Indeed, for most of its interventions, the SHQ relies upon the financial or other involvement of the local or community environment, or the private sector.

Québec intervenes at various levels, including direct subsidy programs, some of which provide for recurring grants (public and private non-profit housing, rent supplement) and others who provide a one-time capital grant (AccèsLogis Québec, Logement abordable Québec, Home Adaptations for Seniors' Independence (HASI), and home adaptation programs).

- Public and private non-profit housing: the SHQ makes social housing available to low-income households who are having trouble finding proper housing. These units are generally called low-cost housing units. The basic rent is equivalent to 25 percent of the household's income. The difference between the rent and the household's contribution (25 percent of its income) is made up by a grant. The SHQ pays this financial assistance to organizations that manage the low-cost housing units, in the form of an operating deficit grant, and in some instances, an interest rebate grant.
- The rent supplement: implemented in 1978 and financed jointly by the federal and Québec governments, as well as the municipalities in some instances; this program enables low-income households to live in private sector housing, cooperative housing or housing operated by non-profit organizations, while paying the same rent as for low-cost housing.
- Shelter allowance: the shelter allowance program, which is financed entirely by the Government of Québec, was introduced in 1997 and is administered jointly by the SHQ and the Québec Ministère du Revenu. It provides direct financial assistance to persons aged 55 or over as well as to low-income families that have at least one dependent child and spend more than 30 percent of their income on housing.
- AccèsLogis Québec: this program, which was introduced in October 1997, makes it possible for housing authorities, housing cooperatives and non-profit organizations to build and rent quality affordable housing to low- or moderate-income households.
- Affordable Housing Québec: this program has been covered by a federal-provincial agreement since December 2001. The program enables housing authorities, cooperatives, non-profit organizations and private developers to build and rent affordable quality housing units. There are three components: the social and community component, for

low- or moderate-income households; the private component for middle-income households and the Kativik component, for residents of the Kativik area.

- Home Adaptations for Seniors' Independence: this program, introduced in October 1992, was renewed in September 1996. It is intended for low-income individuals aged 65 or over so that they can adapt certain components of their homes to continue to live there independently and safely for as long as possible. The Government of Québec shares the cost of the program with the federal government, at a ratio of 25 percent to 75 percent respectively.
- Home Adaptation Program: since October 1991, the SHQ has been responsible for this program, which was formerly administered by the Office des personnes handicapées du Québec (OPHQ). This program helps persons with disabilities to pay for the cost of work required to adapt their home and make it accessible. The federal government funds a portion of the projects.

Through its various interventions, the SHQ dealt with 248,850 households in 2004, mainly low-income households. Of these, 228,449 households received social, community or affordable housing, whereas the remaining 20,501 were able to repair, renovate or adapt their homes under home improvement programs, including assistance to enable 802 households occupied by seniors or persons with disabilities to adopt their home.

The number of households in core housing need in Saskatchewan decreased by 6.3 percent between 1996 and 2001.

Core Need in Saskatchewan (Revised data)

	No. Households	No. in Core Need	% in Need
1996	314,430	39,700	12.6%
2001	323,065	37,200	11.5%
Change	2.7%	2,500	-6.3%

Households living in core housing need may have a housing problem due to affordability, poor housing quality, overcrowding or some combination of these conditions. In May 2004, the Government of Saskatchewan announced a new housing policy framework, called HomeFirst. HomeFirst involves a balanced approach to addressing housing need that will result in more affordable housing, more income support, more home ownership, more quality housing and strengthened housing supports, while working to sustain the existing provincial housing portfolio. Under HomeFirst's five-year action plan there is \$161 million for housing supply programs and approximately \$39 million for rental housing supplements for families and persons with disabilities.

Saskatchewan Housing Corporation (SHC) Expenditures in 2005 were \$167.496 million. These expenditures primarily included operating expenses, affordable housing grants, renovation grants, grants to non-profit and cooperative housing, and interest expense.

The SHC owns or provides subsidies to approximately 30,000 social and affordable housing units, which house an estimated 67,000 people in 341 communities across Saskatchewan. SHC

uses the point rating system to prioritize applicants for the Social Housing Program, except in the case of victims of family violence. Applicants with victim-of-family-violence status are placed at the top of the Housing Authority's approved applicant list. The purpose of the Point Scoring System is to assess individual/household need and ensure that the applicant with the greatest need (i.e. the highest point score) receives housing assistance first. The Point Scoring System gives priority to households with low incomes, high housing costs, poor housing conditions, health problems, and the presence of disability, among other factors.

The Saskatchewan Assisted Living Services (SALS) program, introduced in 1997, assists approximately 6,700 households living in social housing who require a combination of shelter and support services to maintain their independence. The typical tenant accessing SALS is an 80 year-old woman who is widowed. Services operate on a cost-recovery and fee-for-service basis. They include co-ordination of social and recreational activities, personal response system, laundry and/or housekeeping, and one nutritional meal per day. The program was designed to provide access to services that promote and enable independent living, as well as encourage activity, involvement and socialization. These services strive to facilitate self-sufficiency and, for seniors, prevent premature frailty and institutionalization.

Of the Saskatchewan households in core housing need, almost 70 percent live in good quality housing in the private market, but pay more than they can afford for shelter. In view of this, Saskatchewan introduced the Saskatchewan Rental Housing Supplement program in 2005. The rental housing supplements will make quality housing more affordable for about 8,200 low-income families and 2,600 people with disabilities. This program is intended to address the dual issues of housing affordability and housing quality among low-income tenant families and individuals. An eligibility requirement for the supplements is that properties meet certain minimum health and safety criteria. This will have the dual effect of offering an incentive to individuals to improve the suitability and adequacy of their housing situations, and encouraging landlords to access SHC repair programs to improve their properties for health, safety, and accessibility reasons.

13. Paragraph 139 of the report indicates that there are long-term strategies in place for the National Homelessness Initiative (NHI). Please provide statistical data on the results achieved by these strategies, in particular with regard to Aboriginal people, especially women.

Since its inception in 1999, the National Homelessness Initiative (NHI) has developed programs to help homeless Aboriginal Canadians move out of the cycle of homelessness and prevent those at-risk from falling into homelessness. Essentially, Aboriginal homelessness has been addressed through the Urban Aboriginal Homelessness (UAH) initiative. However, other non UAH programs of the NHI have addressed Aboriginal related issues or have served Aboriginal people.

Through the UAH the Government of Canada has developed 382 projects to provide culturally appropriate services and facilities for urban Aboriginal homeless people using an Aboriginal community planning process. Specifically, 104 UAH projects served Aboriginal women as a sub-population for a total approved funding of \$33.5 million or 54.6 percent of the total UAH funding. The total approved funding for the UAH program is \$65 million.

In addition to the UAH, the NHI has financed a number of non-Aboriginal specific projects where Aboriginal people were identified as a key sub-population. In total, 144 projects were developed through these programs for a total approved funding of \$34 million, with 67 projects serving Aboriginal women.

Finally, under the Surplus Federal Real Property for Homelessness Initiative, the Government of Canada has transferred surplus federal real property to the City of Toronto and to Tipi Moza (Iron Homes) to create affordable and transitional housing primarily for individuals and families of Aboriginal ancestry. Two properties were transferred in Toronto and Kingston for a total of \$806,250. It is expected that 93 units will be developed through these two property transfers.

The table below shows the number of interventions developed through the UAH program to address Aboriginal homelessness. Interventions are divided into three categories: shelter facilities interventions providing services such as emergency shelters, supportive and transitional housing; support facility interventions supplying complementary services such as food banks or clothing services; and service interventions such as counselling and literacy programs.

In total, it is estimated that 726,845 interventions will have been provided to Aboriginal people through the UAH program between 1999 and 2006. With 523,473 support facility interventions, 74,770 sheltering facility interventions and 128,602 services interventions.

UAH Interventions for Phase 1 and 2			
Program	NHI Phase	Target or Results	Number of Interventions
UAH Support Facility Interventions	NHI 1999-2003	Results	135,314
	NHI 2003-2006	Targets	388,159
Sub-total			523,473
UAH Sheltering Facility Interventions	NHI 1999-2003	Results	25,903
	NHI 2003-2006	Targets	48,867
Sub-total			74,770
UAH Services Interventions	NHI 1999-2003	Results	67,164
	NHI 2003-2006	Targets	61,438
Sub-total			128,602
Grand Total			726,845

14. Please indicate what measures have been adopted and implemented by the State party to ensure that people who are forcibly evicted from their homes are provided with alternative

accommodation or compensation, in line with the Committee's General Comment No. 7 (1997) on the right to adequate housing.

The term "forced evictions" as used throughout General Comment No. 7 is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.

It should be noted that evictions are only permitted in Canada in accordance with legislation or government policy. Protections and recourse measures are in place. The following are examples of provincial and territorial measures with respect to evictions and expropriation of property. Similar measures are in place in other provinces and territories.

Manitoba's *Expropriation Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/e190e.php>) protects the rights of individuals whose property is expropriated by an authority in the exercise of its lawful powers by setting out the process that the authority must follow. The individual has the right to challenge the expropriation process, and to challenge the amount of compensation before an independent expert tribunal (the Land Value Appraisal Commission) and, ultimately, the courts.

Manitoba has an extensive mediation and appeals process in place for tenants who face eviction (*The Residential Tenancies Act* – <http://web2.gov.mb.ca/laws/statutes/ccsm/r119e.php>). This process includes recourse to an administrative tribunal and, once the administrative appeals are completed, there is recourse to the courts.

Where an individual, family or group finds themselves without housing on an emergency basis due to fire, flood or the closure of an apartment building for health reasons, the Manitoba Housing Authority will make all efforts to provide immediate, short-term housing for those affected.

The Employment and Income Assistance (EIA) Program also provides assistance in situations where a participant is evicted from their place of residence, if the individual meets eligibility requirements and depending on the circumstances. EIA may provide additional shelter allowance, moving costs and security deposits. When the person evicted is not able to obtain rental accommodations immediately, EIA pays for an alternative such as the Salvation Army or a hotel.

The Government of Ontario prohibits forced evictions as defined in General Comment No. 7. Evictions are only permitted for the valid reasons set out in the *Tenant Protection Act*, and after a tenant has been provided a fair opportunity to dispute the eviction at the impartial Ontario Rental Housing Tribunal.

In Québec, forced eviction is interpreted in a broad sense to include:

- the removal of the tenant by the owner of the property;
- the inability to find adequate housing because of a shortage of rental housing;
- emergency evacuation in the event of a disaster;

- emergency departure required because of a psycho-social problem, including spousal violence.

Under Québec legislation, a tenant may remain in the premises for as long as desired, provided that the conditions of the lease are met, subject to a number of exceptions to the rule, including the taking back of the premises by the owner. This is what is called the right to security of tenure.

In addition, the Government of Québec, on December 13, 2005, approved Bill 133 to amend article 1974 of the *Civil Code of Québec*. This Act provides amendments to the Civil Code to permit a tenant to break a lease if, owing to the violence of a spouse or a former spouse, or owing to sexual assault, the safety or the safety of a child living with that person is threatened.

Since 2001, the Government of Québec has adopted a variety of measures to help households who have found themselves without accommodation as a result of a shortage of rental housing. These measures consisted of emergency rental supplement grants for low-income households, to which was added, in 2002 and 2003, financial assistance to eligible municipalities that provided emergency assistance such as temporary accommodation and furniture storage. The Government of Québec then adopted the Emergency Assistance Program 2004 for households without accommodation and for municipalities with a shortage of rental housing. This program continued in 2005.

In 2004, financial assistance given to the municipalities to cover some of the costs involved in emergency assistance services to citizens without a home totalled over \$0.7 million. In addition, \$12.5 million was paid to 3,746 households in the form of supplementary emergency rent grants, under the 2004 program or under measures adopted previously. The average monthly grant is \$360. The program continued in 2005.

On February 26, 2006, the Minister of Municipal Affairs announced that the payment of emergency rent supplements, granted because of households experiencing difficulty in finding affordable rental housing, would be extended once again. This measure affects 4,100 very-low-income households who are currently receiving this financial assistance.

In 1990, the Société d'habitation du Québec adopted by *By-law respecting the allocation of dwellings in low rental housing*, which establishes a weighting system for each application in order to be able to determine an allocation order. Article 23 of this by-law provides for a number of priority applications, including the following:

- an applicant whose dwelling is destroyed by a disaster or declared unfit for habitation by the municipality;
- an applicant evicted as a consequence of the application of a program carried out under the *Act respecting the Société d'habitation du Québec*, an expropriation or a voluntary acquisition by a municipality;
- an applicant who lives in a dwelling in low rental housing and whose health or safety or, where applicable, that of a member of his household, requires that he be relocated (including spousal violence).

The rights and obligations of most residential tenants in Saskatchewan are legislated under *The Residential Tenancies Act* (RTA), which is administered by the Office of the Rentalsman, established pursuant to the Act. The termination of tenancies must comply with the RTA (e.g. notice requirements, orders of possession). Any person who disagrees with a decision or order of the Rentalsman may appeal on a question of law or of jurisdiction of the Rentalsman to the Court of Queen's Bench.

There are various options in Saskatchewan for households who require housing assistance. There are emergency shelters, safe houses, second stage housing (e.g. YWCA), non-profit housing, and government-assisted housing programs.

Saskatchewan's Social Housing Rental Program provides suitable, adequate and affordable rental housing for low-income households. Any person or household may apply. Households applying for Social Housing are allocated units based on a Point Scoring System that determines which households have the greatest housing need. Applicants with the greatest need (i.e. the highest point score) receive housing assistance first. Households who have received a notice to vacate their current residence may receive additional points under the Point Scoring System.

15. Can the State party provide information on the impact of trade agreements concerning the exploitation of the water in the Great Lakes on the effective enjoyment of the right to water of every Canadian? Please specify, in particular, if the lifting of the moratorium on bulk water exports would affect the right to water of, especially, disadvantaged and marginalized individuals or groups, as outlined in the Committee's General Comment No. 15 (2002) on the right to water.

Trade agreements to which Canada is a party, such as the North American Free Trade Agreement and the Marrakesh Agreement Establishing the World Trade Organization, do not restrain access to water, including that in the Great Lakes, for Canadian residents. In fact, these trade agreements constrain governments in the imposition of measures that have the effect of restricting trade flows, including measures that discriminate arbitrarily or restrict unnecessarily trade in water in a form that is subject to the trade rules, such as bottled water. Thus, Canada's trade obligations do not interfere with the ability of Canadian residents to access safe drinking water.

With regard to the second part of the question, it should be noted that there has never been a moratorium on bulk water exports. The idea of a moratorium did arise from a recommendation of the International Joint Commission in its 1999 Interim Report on Protection of the Waters in the Great Lakes. However, it was a moratorium requested on new bulk sales or removals of surface water or groundwater from the Great Lakes basin, not exports of bulk water. Accordingly, Canada's *International Boundary Waters Treaty Act* (IBWTA), which incorporates the *Boundary Waters Treaty* (BWT) concluded in 1909 between Canada and the United States, was amended in 2002 to prohibit bulk water transfers of boundary waters from their boundary basins (the Great Lakes-St. Lawrence basin; the Hudson Bay basin; the Saint John-St. Croix basin). The prohibition of such inter-basin transfers is an environmental measure aimed at preserving the integrity of the ecosystem within the water basin, and is not an export ban on water. This prohibition includes removals by any means of diversion, including pipeline, canal, tunnel,

aqueduct or channel or other means by which more than 50,000 litres of water are taken outside of a basin per day. The removal of boundary waters in bulk does not include taking a manufactured product that contains water, including water and other beverages in bottles or packages, outside its boundary basin.

Furthermore, in 2005, the provinces of Ontario and Québec, along with eight U.S. Great Lakes States concluded the Great Lakes Saint Lawrence River Basin Sustainable Water Resources Agreement (“Charter Annex”) that restricts diversions of Great Lakes waters outside the basin, such diversions being effectively limited to straddling counties and communities on the Great Lakes basin boundary itself. A parallel instrument, signed by just the eight Great Lakes States, requires U.S. congressional approval. All Canadian provinces have also adopted measures restricting inter-basin bulk water transfers, thereby completing the network established by the federal government respecting boundary waters.

It is still too early to evaluate the impact of the prohibition, in the IBWTA and the Charter Annex, on inter-basin water transfers on the ability of Canadian residents to access safe drinking water. However, since this prohibition is an environmental measure aimed at preserving and protecting water resources within their basins, its impact on access to safe drinking water is most likely a positive one.

Without prejudice to the foregoing, it should be noted that while Canada recognizes an obligation to provide its residents, without discrimination, access to safe drinking water, it does not, at present, recognize the existence of a “right to water” as described by the Committee on Economic, Social and Cultural Rights.

Article 12: The right to physical and mental health

16. Please indicate what measures have been adopted by the State party to address the problem of alcohol abuse among Aboriginal people.

Alcohol addiction among Aboriginal people continues to be a priority for federal, provincial and territorial governments in Canada. Examples of government initiatives to address this issue are provided below. Additional information on initiatives to address Fetal Alcohol Spectrum Disorder can be found in Canada’s Fifth Report on the International Covenant on Civil and Political Rights: Newfoundland and Labrador (paragraph 208); Québec (paragraph 312); Manitoba (paragraphs 449-453); Saskatchewan (paragraph 514); British Columbia (paragraphs 643-646), Nunavut (paragraph 705); and Yukon (paragraphs 770-772).

The Government of Canada provides \$59 million annually for the National Native Alcohol and Drug Abuse Program (NNADAP). NNADAP consists of approximately 550 community-based prevention programs and a national network of 50 treatment centres operated by First Nations organizations and/or communities. The goal of NNADAP is to support First Nations and Inuit people and their communities in establishing and operating programs aimed reducing and addressing high levels of alcohol and drug abuse. These centres provide culturally specific treatment programs that aim to address the cultural, social and individual aspects of addiction. In addition, in the 2004-2005 fiscal year, funding from Canada’s Drug Strategy was provided to

Health Canada's regional offices to provide training to addictions workers on issues related to alcohol and drug abuse. The Government is developing a "National Strategy on Alcohol" which will be part of the "National Framework for Action to Reduce the Harms Associated with Alcohol and Other Drugs and Substances in Canada." National Aboriginal organizations, such as the National Native Addictions Partnership Foundation (NNAPF), are directly involved in the development of the National Framework.

The Government of Canada has been engaging Aboriginal partner organizations, federal/provincial/territorial networks, and national and Aboriginal expert organizations to work together to strengthen mental health and addictions services for First Nations and Inuit. One key objective of this work is to improve coordination of services (including issues related to alcohol misuse), so that people who are coping with both mental health and addictions issues do not experience gaps in service or duplication of processes. The Government is working with First Nation and Inuit stakeholders in the development of national alcohol policies to ensure cultural relevance is incorporated throughout the process. First Nations and Inuit also play a strong role in the delivery of their health services, particularly alcohol treatment.

In 2002, the Government of Canada announced \$320 million over five years to expand and improve Early Childhood Development programming for Aboriginal children, including new resources for Fetal Alcohol Spectrum Disorder Programs (FASD) for First Nations on-reserve. The FASD Program, as part of the Early Childhood Development Strategy for First Nations and other Aboriginal Children, received an additional funding of \$10 million in 2002-2003 and \$16.7 million ongoing (\$15 million for First Nations and \$1.7 million for Inuit) to expand and enhance FASD programming for residents of First Nations and Inuit communities.

Since 2003, Health Canada's regional offices have worked with First Nations and Inuit communities to establish strong foundations for ongoing community-based programming to reduce the number of babies born with this disability and to make life better for those affected, their families, and caregivers. The focus of funding expended on FASD has shifted from awareness and community readiness (conferences, training and education) to: targeted interventions for those at risk of having an FASD birth; supports for parents and families of FASD affected children, and; collaborative initiatives with partners on issues such as earlier identification, assessment and diagnosis. Health Canada's regional offices also support prevention and intervention programs in their communities, and activities include train-the-trainer, parent groups, peer support, awareness in schools, multidisciplinary team coordinators, Grandmother Guide, developmental screening, and dissemination of information to communities.

Materials to support the implementation of prevention and early intervention programs for FASD in First Nations and Inuit communities are being developed. These include program guidelines and training materials for mentoring programs, a cost-benefit analysis for early diagnosis and intervention, an evaluation strategy and other program resources. The impact of these new investments, are to be assessed in 2006-2007.

Manitoba Health provides funding to eight addiction agencies that deliver a range of services from prevention and early intervention to residential and aftercare support. Aboriginal people living off reserve can obtain substance abuse treatment from any of the addiction agencies

funded by Manitoba Health. First Nations individuals living on reserve who have, or are affected by, substance use or abuse problems are served by the NNADAP noted above.

The Native Addictions Council of Manitoba, which receives funding from Manitoba Health, is mandated specifically for Aboriginal people. Formerly known as the Native Alcoholism Council, the Native Addictions Council of Manitoba was established on July 19, 1972 to provide traditional holistic healing services to First Nations Peoples through the treatment of addictions. Their target population includes First Nations men, women and youth who are addicted to alcohol, drugs, chemicals or gambling. Services include a full continuum of in-patient residential, community-based counselling, outreach, aftercare and prevention services. In addition to funding from Manitoba Health, the Native Addictions Council of Manitoba also receives funding from the First Nations and Inuit Health Branch of Health Canada.

The Native Addictions Council of Manitoba, as well as the other addiction agencies funded by Manitoba Health, participate in the two provincial strategies described below.

- The purpose of the Co-Occurring Mental Health and Substance Use Disorder Initiative is to increase the capacity of the mental health and addictions systems to meet the needs of individuals with both a mental health and substance use problem. A long-term systems change project that will result in comprehensive, continuous, integrated service delivery for persons with co-occurring disorders is underway in Manitoba.
- The Network of Manitoba Health Funded Addiction Agencies serves as an information sharing network and a forum for the discussion of current issues, to provide feedback to Manitoba Health, to receive updates on relevant issues from Manitoba Health as required, and to nominate a representative from the group to sit on committees representing and reporting back to the Network.

The Addictions Foundation of Manitoba, continued by *The Addictions Foundation Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/a060e.php>), is the largest addiction service provider in the province. The Foundation serves a large portion of Aboriginal people, particularly in its offices in the northern part of the province. In the town of Thompson the services include residential and community-based programs. A new youth outreach position has recently been added as a result of increased funding from Manitoba Health. This position will work out of Thompson and will work with and occupy space within settings in which street youth circulate.

The Behavioural Health Foundation Inc. also serves a large number of people in Manitoba, providing addiction services to men, women, youth and families. Being able to obtain residential addiction services without being separated from their children is appealing to many parents. In addition to addiction counselling, a number of services are provided including: Aboriginal traditional programming; work activities/employment readiness; pre and post natal care; well baby clinics; school for dependent children; adult education and seminars in anger management; family violence and life skills. The traditional components or activities of the program consist of (but are not limited to) sweat lodges, feasts, fasts, attending and participating in ceremonies such as Sun Dances, Ghost Dances and Warrior Dances, women's ceremonies and naming ceremonies. The Foundation has its own traditional lodge on site to house ceremonies. All

ceremonies are hosted or led by those persons who have been honoured with the gifts to do so. Manitoba Health has announced increases in funding for the Behavioural Health Foundation.

The Ontario Ministry of Health and Long-Term Care (MOHLTC) funds eight Aboriginal-specific agencies to provide addiction treatment services to Aboriginal people with addictions. Two of the programs are also funded by Health Canada. Through the Aboriginal Healing and Wellness Strategy, the Ministry supports a number of Aboriginal health healing programs and services that may address the problem of alcohol abuse among Aboriginal people. In 2004, MOHLTC and the Ministry of Community and Social Services increased funding to AHWS by \$5 million. Part of the increased funding was allocated to mental health programs and services to address issues such as those associated with alcohol abuse.

Since 1994, Ontario's support for improvement of Aboriginal health status has been guided by the Aboriginal Health Policy, which provides Ontario and the Aboriginal community with broad direction and guidelines for Aboriginal involvement in planning, design, implementation and evaluation of programs and services directed at First Nations/Aboriginal communities through principles including:

- equitable access to health care,
- provision of culturally appropriate services,
- support for Aboriginal designed and delivered programs, and
- acceptance of traditional health remedies/healing methods.

In the 2006-2011 interdepartmental action plan on drug abuse, Québec intends to step up its efforts with Aboriginal people in implementing solutions to addiction problems, including alcohol abuse, being experienced by various communities. The action plan recommends intervention strategies that guide efforts in terms of prevention, early intervention, treatment, reintegration, research and training.

Aboriginal communities play a key role in improving and organizing available services. Among other things, they are partners in efforts to enhance the information transmitted by various media (i.e. Web sites, awareness and information campaigns, telephone help lines and referral lines, etc.); they contribute to the dissemination of reference frameworks, good practices guides and toolboxes for caseworkers; they also help to improve interventions through the development of special treatment programs suited to their needs and help to deliver training activities.

The Saskatchewan Government is committing \$14.7 million new annual funding for alcohol and drug initiatives. The initiatives are aimed at assisting Aboriginal, youth, street-involved and northern populations. Highlights include:

- tripling the youth stabilization and treatment capacity throughout the province, including the development of a new residential youth treatment facility in Prince Albert, in co-operation with First Nations and the federal government;
- strengthened drug supply reduction resources;
- creation of a new Alcohol and Drug Prevention and Education Directorate within Saskatchewan Health to substantially expand awareness and prevention initiatives;

- redevelopment of the current treatment model to reflect best practices, building in strong and flexible supports for individuals and families at the community level; and
- better data and research to guide policy making, including a research chair at the University of Saskatchewan.

In Yukon, alcohol and drug treatment/prevention programs are a shared responsibility of the Yukon government, the federal government, and self-governing First Nations. There are 10 self-governing First Nations in the territory who are responsible for providing their own programming.

Articles 13 and 14: The right to education

17. In paragraph 153 of the report, the State party mentions the introduction of the “Canada Learning Bond” and enhancements to the Canada Education Savings Grant, with effect from 1 July 2005. Has this measure yielded any positive results?

The Canada Learning Bond (CLB) and enhancements to the Canada Education Savings Grant were implemented in July 2005. These two new savings incentives are paid from the Government of Canada directly into children’s Registered Education Savings Plans and complement the previously successful Canada Education Savings Grant. Information collected so far indicates early signs of positive results. Increased participation is expected as increased numbers of Canadians become aware of these new savings incentives.

18. Please provide information on the services provided to support pupils and students with special needs, on account of disability or through the use of English as a second language. Have these services been reduced and if so, for what reasons?

Services and programs to support students with special needs

Provinces and territories offer a variety of services to support students with special needs. The following are examples of these services.

The Province of New Brunswick undertook a major public review of inclusive education services in the public school system during 2005 and the recent final report is currently being evaluated internally by the government prior to public release and any actions to be taken. New Brunswick has a wide range of support services for students with disabilities and has officially had integrated public schools for more than 20 years.

In 1986, the New Brunswick government introduced legislation to improve educational programs for exceptional students. The legislation was noteworthy in that it provided access to public education to all students, stressed individual needs-based programming to all exceptional students and emphasized the placement of exceptional students within regular classrooms. By doing so, it stressed equity for all children as basic to public education. This legislation was based on a set of inter-related beliefs and principles, which ultimately guided the daily behaviour of educators implementing programs and providing services for exceptional students.

A number of documents were prepared prior to 1999 to provide focus for school districts in order to comply with both the letter and spirit of the law. As more research emerged, knowledge has been gained about various exceptionalities. Accordingly, additional documents and resources have been developed and distributed to provide information, knowledge, and skills to educators in order to make New Brunswick's school system as inclusive as possible.

In Manitoba, the services provided to support pupils and students with special needs are provided through the Program and Student Services Branch of Manitoba Education, Citizenship and Youth. The Branch is organized into four units as follows:

- Blind and Visually Impaired Services provides consultative and material support to school divisions and funded independent schools for programming for students who are blind or print impaired. Through the Special Materials Services, support is provided to students in Kindergarten to Senior 4 (Grade 12) who require textbooks and materials in Braille, large print, audio and electronic formats.
- Deaf and Hard of Hearing Services provides consultative support to school divisions and funded independent schools respecting programming for students who are deaf or hard of hearing.
- The Manitoba School for the Deaf (MSD) provides specialized Kindergarten to Senior 4 (Grade 12) academic programming and residential facilities for deaf and hard of hearing children who require special school placement and who benefit from a bilingual-bicultural environment that includes the use of American Sign Language.
- The School Support Unit provides support to school divisions and funded independent schools in the provision of student services. It also provides information and assistance to divisions and schools regarding departmental policies and guidelines, and collaborates with divisions to develop activities to support the implementation of priority areas.

Resources and grants are allocated to schools (Level II and III support) in order to provide direct and consultation services to teachers and parents regarding students with special needs. School divisions then utilize these grants to provide staff, including clinicians (school psychologists, social workers, speech-language pathologists, occupational therapists, physiotherapists, reading clinicians) and in-school personnel (resource teachers, teachers of the deaf, guidance counsellors, educational assistants).

On October 28, 2005, Manitoba proclaimed Bill 13, *An Amendment to the Public Schools Act (Appropriate Educational Programming)* (<http://web2.gov.mb.ca/laws/statutes/2004/c00904e.php>) and the supporting Manitoba Regulations. This legislation ensures that all students are entitled to receive appropriate educational programming. The legislation has also resulted in a dispute resolution process and a standards document being developed for Manitoba schools.

The Government of Manitoba continues to provide additional resources for services to individuals with disabilities. The recent funding announcement for 2006 has provided additional

funding for the 2006-2007 school year. The province has not reduced supports in this area in Manitoba in many years.

Saskatchewan Learning supports the development and provision of comprehensive classrooms and school-based services so that all children can benefit from their learning experience and have their diverse learning needs met. The Department provides support through funding, consultation, professional development and materials.

Funding is provided to school divisions in two ways:

- through annual block funding allocations (Foundation Operating Grant) that are meant to enable adjustments to the curriculum, assist with the provision of appropriate programs and services, and improve the quality of education programming; and
- through incremental funding to support student diversity, support students with low incidence disabilities, support students with social/emotional, behavioural needs and purchase technological supports.

The Assistance, Collaboration, Consultation, Evaluation Support Services (ACCESS) Program provides consultation, professional development and alternative format materials. The focus is on assisting educators in meeting the needs of students with disabilities. Professional development opportunities also include workshops focusing on instructional strategies to assist students with a broader range of difficulties and disabilities. Saskatchewan Learning also provides numerous paper resources to school divisions with a focus on assisting school personnel in programming and supporting students with intensive needs.

In Yukon, students with special needs due to disability receive support through integrated planning from both the school and the branch of Special Programs at the Department of Education. Identification and Assessment occurs shortly after the student enters the school system. An Individual Education Plan (IEP) is developed for each student which addresses the short and long term educational goals of the student, suggested instructional materials, teaching methods and strategies. The IEP also designates who will be responsible for the implementation of the plan and specifies the time frame for the completion of the plan.

Assessment occurs at two levels; in the school and by the Special Programs branch of the Department of Education. School assessment begins in the classroom by the teacher and also involves the School Based Team. Department of Education assessment can involve a variety of therapists, such as a Physiotherapist, Occupational Therapist, Speech and Language Therapist, Psychologist, Behavioural Therapist, and teachers that specialize in services for Hearing and Sight Impaired students. As with all assessment the needs of the students are continually evaluated and addressed as they arise.

In Ontario, colleges and universities, as direct providers of postsecondary education, have a legal responsibility to accommodate persons with disabilities under the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. The Ontario Ministry of Training, Colleges and Universities has provided over \$36 million annually in funding assistance to publicly funded postsecondary institutions to help meet their legal obligations. The annual funding assistance to

colleges and universities in support of students with disabilities is intended to supplement the expenditures each institution makes from its general revenues to meet these legal obligations.

In Ontario, a broad range of programs and services at the postsecondary level exist to assist students as they work towards the successful completion of their postsecondary education. The following is a summary of programs for 2005-2006.

Program	Amount 2005-06	Amount 2004-05	Description
Accessibility Fund for Students with Disabilities	\$16.9M	\$16.9M	Introduced in 1988-89 for colleges of applied arts and technology and in 1989-90 for universities, the Accessibility Fund for Students with Disabilities (AFSD) is intended to assist with the expenses and services related to the operation of the offices for students with disabilities.
Print-Alternate Materials Fund	\$1.025M	\$1.025M	This fund covers expenses that occur with providing print-alternate materials for students with disabilities in colleges and universities.
George Brown College Support Services for the Hearing Impaired	\$1M	\$1M	These funds are administered by George Brown College to provide support services, including sign-language interpreters to deaf, deafened and hard of hearing students at colleges in the Greater Toronto Area and those in special programs offered at George Brown College.
Canadian Hearing Society	\$0.206M	\$0.206M	Through an agreement with the Canadian Hearing Society, funds are used to provide interpreter and computerized note-taking services for part-time deaf, deafened and hard of hearing students at postsecondary institutions.
Interpreter and Intervener Funds	\$1.4M	\$1.4M	Funds are used to provide resources for colleges outside the Greater Toronto Area, and for universities throughout the province to assist these institutions in defraying the actual expenses for sign-language interpreters, interveners, computerized note-takers and real-time captioning for deaf, deafened and hard of hearing students.

Program	Amount 2005-06	Amount 2004-05	Description
Learning Disabilities Initiative	\$10.1M	\$10.1M	The Learning Opportunities Task Force was wound down as of September 2004 and administration of the Learning Disability Initiative was incorporated into the Postsecondary Education Division and the Enhanced Services Fund transferred to the AFSD. The initiative supports assessment services, including mobile assessments and research through two regional centres, direct service provision through learning strategists/assistive technologists at each college and university, transition programming, and longitudinal research.
Bursary for Students with Disabilities (BSWD)	\$2.35M	\$2.35M	The BSWD is a component of the Ontario Student Assistance Program (OSAP) administered by the Financial Aid and Special Needs offices of Ontario's colleges and universities. It is a compliment to the Canada Study Grant for Students with Permanent Disabilities.
Bursary for Deaf Students Attending Out-of-Country Postsecondary Institutions	\$2.75M	\$2.75M	This fund provides non-repayable financial assistance to deaf, deafened, and hard-of-hearing students attending U.S. postsecondary institutions for the deaf.
Teachers of the Deaf	\$0.729M	\$0.729M	An annual grant to York University to provide elementary and secondary school teachers with specialized training.
French-Language Teachers of the Deaf	\$0.350M	\$0.350M	Same as the Teacher of the Deaf envelope, but the funding is provided to the University of Ottawa and the service is provided in French.

English as a Second Language

Provinces and territories also support numerous initiatives related to the teaching of English as a second language (ESL).

For example, the Government of New Brunswick provides funding for assistance to students who enter the public system and speak neither official language. Francophone school districts continue to provide language upgrading programs to children who need to improve their linguistic skills to enable them to master French and participate fully in their classrooms and in francophone culture.

In 2001, Manitoba Education, Citizenship and Youth launched a formal review of English as a Second Language (ESL) programming as part of the Education Agenda for Student Success (<http://www.edu.gov.mb.ca/ks4/agenda/index.html>). The primary goal was to find ways to strengthen ESL programming in Manitoba's schools. A number of research and consultation initiatives followed, leading to the release of the *Report on the English as a Second Language Program Review: The Renewal of Kindergarten to Senior 4 ESL Programming in Manitoba (December 2003)* (<http://www.edu.gov.mb.ca/ks4/docs/reports/esl/index.html>). This report contained 11 recommendations which were discussed in a second series of consultations with schools, partner organizations, and community groups. The response from all stakeholders was positive and supportive of all the recommendations.

In May of 2005, the department released the *Kindergarten to Senior 4 ESL Action Plan 2005-2008*. The Action Plan is currently being implemented and can be found at http://www.edu.gov.mb.ca/ks4/cur/diversity/esl/action_plan.pdf. The following summarizes the 11 actions that comprise the Action Plan:

1. Develop a provincial K-Senior 4 ESL programming framework.
2. Work collaboratively with schools, Aboriginal organizations, and communities to address the linguistic diversity of Aboriginal learners.
3. Clarify what programming and support ESL funding may be used for, and explore the feasibility of enhancing funding for ESL programming over the next several years.
4. Require school divisions to have formal divisional ESL policies or protocol documents, and encourage the inclusion of ESL in divisional and school plans.
5. Provide ESL consultant services to support school divisions and schools in developing divisional/school ESL policies, programming protocols, and programming models, and in implementing ESL reception and monitoring protocols and processes.
6. Encourage school divisions to take other initiatives to support planning and local capacity building of divisional ESL protocols.
7. Collaborate with the Manitoba Department of Labour and Immigration, settlement agencies, school divisions and schools to explore opportunities to enhance interpretation and first language assessment capacity.
8. Collaborate with partner organizations to enhance opportunities for professional development related to ESL and anti-racism/multicultural education, and to encourage faculties of education to better prepare future teachers for working with linguistically and culturally diverse students.
9. Collaborate with the Manitoba Department of Labour and Immigration and school divisions and schools to develop divisional and school-based initiatives to enhance the initial reception and settlement of newcomer students.
10. With the Departments of Advanced Education and Training and Labour and Immigration, establish a working group to develop a provincial strategy for enhancing the ESL and training and educational opportunities of adult ESL learners and late entry newcomers, who may need to meet Manitoba's Senior Years graduation requirements.

11. Establish an advisory committee to provide advice and feedback regarding the development and implementation of the Action Plan.

Manitoba Education, Citizenship and Youth is changing its terminology from "English as a Second Language" (ESL) to "English as an Additional Language" (EAL). The change in terminology is appropriate as EAL is a more inclusive and encompassing term that suggests that learners of English may already speak a number of languages and dialects, of which English may be but one more. The change in term reflects an orientation to language learning that values linguistic diversity and encourages bilingualism and multilingualism. The learning of English should be an additive process that expands a student's linguistic repertoire.

Manitoba launched the development of the Manitoba "K-Senior EAL Curriculum Framework" on November 1, 2005. The document will include descriptions of different stages of EAL development for Early, Middle, and Senior Years and the corresponding student learning outcomes. It is expected that the new curriculum document will be released in the Fall of 2006. The document will guide instruction, program planning, and assessment of learners.

Manitoba is undertaking a formal review of EAL/ESL learning resources commencing in March, 2006. The review will ensure that teachers can access appropriate resources that match student needs and Manitoba's K-S4 EAL curriculum.

Manitoba will be piloting the first of a series of Senior Years ESL courses in the 2005-2006 school year. Additional courses will be developed over the next two-three years. *English Language Arts: Senior 4 ESL for Academic Success (Pilot)* is an optional ELS course intended for newcomer and international students wishing to pursue post-secondary education and meet Senior 4 graduation requirements. Several senior years schools and a few adult learning centres are piloting the course in the 2005-2006 school year.

In Manitoba Senior Years, curricula may be adapted for EAL learning purposes and students may earn Senior Years credits. These designated courses may be used to meet Manitoba's graduation requirements. This provides EAL learners and schools with great flexibility and removes many barriers.

On January 26, 2006 significant restructuring and strengthening of English as an Additional Language (EAL) support for the 2006-2007 school year was announced. An additional \$1.7 million will be available to schools through the English as an Additional Language Student Support Grant. New guidelines are being developed for the EAL Student Support Grant. The restructuring of the grant has extended eligibility to four years from three and increased funding available in a student's first year of EAL programming. EAL Support is available for pupils with limited proficiency in the English language who are receiving EAL curriculum, instruction and related services on September 30, 2006. Funding will be provided for a maximum of four consecutive years.

Support rates per eligible F.T.E. pupil receiving EAL support are:

<i>Year 1 of EAL Programming</i>	<i>Year 2 of EAL Programming</i>	<i>Year 3 of EAL Programming</i>	<i>Year 4 of EAL Programming</i>
\$775	\$750	\$750	\$600

Also announced on January 26, 2006 was a new project grant of \$200,000 for an *Intensive Newcomer Support Grant* that will help school divisions develop specialized programming for newcomer youth from war-affected or refugee backgrounds with EAL and literacy needs as a result of significantly disrupted schooling. This new grant may be used in addition to the EAL Student Support Grant.

The ESL Program Review helped to draw attention to and confirmed that adolescent and young adult students from refugee, war-affected, and disrupted schooling backgrounds are likely to face significant challenges that often limit their opportunities for educational success and life chances. The *Preliminary Report: Building Hope: Appropriate Programming for Adolescent and Young Adult Newcomers with War-Affected Backgrounds and Manitoba Schools, October 20, 2005*, summarizing the results of the research, has been prepared for discussion and consultation. A follow-up consultation with school divisions is planned for the Spring of 2006.

In Saskatchewan, the services provided to school divisions with ESL students (including Aboriginal students who speak a non-standard dialect of English) have not been reduced in recent years. Saskatchewan provides financial support through a per-pupil grant that comes out of the Foundation Operating Grant and limited consultative support to help school divisions and teachers plan programming for ESL students.

In Yukon, the English Second Language (ESL) Program is offered to all students that attend school in Whitehorse (the capital). The classes are offered at FH Collins half time and run every school day morning. The teacher provides ESL instruction (written and conversational English) that focuses on vocabulary, grammar sentence and paragraph structure, pronunciation and listening skills. The availability of ESL classroom materials is growing. There are ESL books, tape recorders with ESL tapes and a computer in the classroom. The class also accesses the schools computer lab, TV and DVD player for teaching sessions. The ESL room is also open during breaks and lunch in order to provide students with extra social support and provide opportunity to practice their social skills. The ESL also aids students in their adjustments to a new country, city and school. The ESL instructor also provides support for teachers that have ESL students in their mainstream classes. This support includes teaching strategies that aid comprehension, teaching vocabulary and restating assignment instructions in simpler terms.

Article 15: Cultural Rights

19. In paragraph 158 of the report, it is stated that the State party is considering the recommendations of the Task Force on Aboriginal Languages and Cultures. Can the State party indicate whether it intends to implement these recommendations?

In response to key recommendations made in the report of the Task Force on Aboriginal Languages and Cultures, the Government of Canada is working collaboratively with Aboriginal

people to develop a language strategy to preserve, revitalize and promote Aboriginal languages and cultures.

The Government continues to work with Aboriginal organizations, provinces and territories to develop a strategy that will enhance community based language programming by supporting additional communities (both on and off reserve), enhancing research and promoting greater coordination and sharing of best practices between First Nation, Inuit and Métis communities.

At the September 2005 meeting of the provincial and territorial Ministers of Cultures, a working group made up of several provinces and territories was convened to continue discussions with the Government of Canada towards the revitalization of Aboriginal languages and cultures.

20. Please indicate what measures, legislative or otherwise, in the area of intellectual property the State party has taken to protect and promote ancestral rights and traditional knowledge of Aboriginal peoples.

Canada recognizes that the preservation of indigenous traditional knowledge is important to the survival of indigenous culture, and that intellectual property rights regimes are seen as one possible means to protect traditional knowledge.

A number of international bodies are currently discussing the use of intellectual property regimes in the protection and promotion of the traditional knowledge of Aboriginal peoples, and Canadian Aboriginal representatives and government officials actively participate in the work of the World Intellectual Property Organization (WIPO), the Convention on Biological Diversity (CBD), and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council of the World Trade Organization (WTO) on these issues.

The Government of Canada has undertaken or has supported a number of domestic initiatives to better understand the nature and scope of Aboriginal concerns regarding the protection of their traditional knowledge. In 2002, the Government began a statutory review of the provisions and operations of the Canadian *Copyright Act* and in October 2002, released a *Report on the Provisions and Operations of the Copyright Act*. Among the longer-term issues that were identified as part of the proposed legislative reform agenda was traditional Indigenous knowledge.

The Government continues to accept invitations from Aboriginal communities and organizations to hold intellectual property workshops. These workshops serve to inform communities and organizations about the benefits and limitations of intellectual property rights and to provide an opportunity for the Government to better understand the practical concerns of Aboriginal people regarding the protection of their traditional knowledge. For example, a workshop, entitled *Preserving Our Culture: A Workshop on Intellectual Property and the Preservation of Our Culture*, was hosted by the Saskatchewan Indian Cultural Centre on March 3-4, 2005.

In 2003, the Government of Canada invited the World Intellectual Property Organization (WIPO) to Canada to hold a workshop on traditional knowledge. The *WIPO North American Workshop on Intellectual Property and Traditional Knowledge* took place from September 7 to

9, 2003, and brought together 70 Aboriginal, academic and government speakers and participants from several countries with an interest in the protection of traditional knowledge. The goals of the workshop were to update participants on the 1998-1999 WIPO Fact-finding Missions and more recent work by WIPO in relation to traditional knowledge, and to discuss the possible practical role of intellectual property to protect traditional knowledge.

In 2004, support was provided to the Creator's Rights Alliance (CRA) for an initiative known as the Indigenous Artist Research Project (IARP) that was highlighted during the CRA's annual conference. The IARP aimed to explore the views and experiences of Indigenous artists on the protection of Indigenous traditional knowledge.

The Government of Canada commissions research on specific areas of interest related to intellectual property and traditional knowledge on an ad hoc basis. Studies completed to date have focused on customary laws and protocols, certification marks and labelling on indigenous arts and crafts.

Traditions: National Gatherings on Indigenous Knowledge took place in May and June 2005, and was the third in a series of National Gatherings that began in June 2002. It focused on Indigenous knowledge. Over 400 representatives of First Nations, Inuit and Métis communities, along with officials from various levels of government took part in eight regional meetings that comprised the third National Gathering. Two of the three themes that were addressed raised intellectual property issues: indigenous knowledge and intellectual property and cultural properties; and indigenous knowledge and artistic expression. Consideration is being given to follow-up to the recommendations from the National Gatherings on Indigenous Knowledge.

In spring 2005, the Government of Canada led a series of eight national gatherings where Aboriginal peoples came together with representatives from federal and provincial governments to discuss strategies to promote the recognition of Indigenous knowledge in the areas of artistic expression, language and culture and intellectual and cultural property. The Government continues to support ongoing domestic and international dialogue to advance issues related to Indigenous knowledge and intellectual property.